IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 1 etc.

OLIVER BROWN, ET AL.,
Appellants,
v.
BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KANSAS, ET AL.

HARRY BRIGGS, JR., ET AL.,
Appellants,
v.
R. W. ELLIOTT, ET AL.

DOROTHY E. DAVIS, ET AL.,
Appellants,
v.
COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY, VIRGINIA, ET AL.

FRANCES B. GEBHART, ET AL.,
Petitioners,
v.
ETHEL LOUISE BELTON, ET AL.

AMICUS CURIAE BRIEF OF THE ATTORNEY GENERAL OF FLORIDA

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Subject Matter Index

Appendix A

Appendix B

Table of Authorities

UNITED STATES LAW

FLORIDA CONSTITUTION AND STATUTES

STATE SCHOOL BOARD REGULATIONS

MISCELLANEOUS

Preliminary Statement

This amicus brief filed by the Attorney General of the State of Florida pursuant to permission granted by the Court in its decision of May 17, 1954, in the above cases, contends that the Court should resolve its implementation decision in favor of the propositions stated in questions 4B and 5D.

The Court will find from a study of this brief that a sincere and thorough effort has been made by the Attorney General of Florida to present reasonable and logical answers to questions 4 and 5. These answers are respectfully submitted by way of assistance to the Court and are based upon a scientific survey of the factual situation in Florida, embracing practical, psychological, economic and sociological effects, as well as an exhaustive research of legal principles.

However, in filing this brief in answer to the hypothetical questions propounded, the Attorney General is not intervening in the cause nor is he authorized to submit the State of Florida as a direct party to the instant cases. Neither can his brief preclude the Florida legislature or the people of Florida from taking any legislative or constitutional action dealing with the segregation problem.

Part One

A discussion of the reasons for a period of gradual adjustment to desegregation to be permitted in Florida with broad powers of discretion vested in local school authorities to determine administrative procedures.

A. The Need For Time In Revising The State Legal Structure

There is a need for reasonable time and planning by State and local authorities in any revision of the existing legal structure of the State of Florida, (which now provides an administrative framework for the operation of a dual system of public schools) in order to provide a legal and administrative structure in which compliance with the Brown decision can be accomplished in an orderly manner.

Examples of Florida constitutional, statutory, and state school board regulatory provisions related directly or indirectly to segregated public schools are set forth in Appendix B.

The basic change which must be made if Florida is to comply with the non-segregation decision is either a repeal or revision of Article XII, Section 12, of the Florida Constitution, which provides:

> "*White and colored; separate schools.*—White and colored children shall not be taught in the same school, but impartial provision shall be made for both."

This provision in the basic law of Florida has been in existence since 1885. During the past 69 years it has been rigidly observed and has provided the foundation for an intricate segregated public school system, in accord with social customs which cannot be changed overnight without

completely upsetting established school administrative procedure in school planning, transportation, teacher employment, capital outlay, districting, scholastic standards, public health, school discipline as well as many other facets of the tremendously complicated school structure in Florida.

Assuming that the basic law of Florida pertaining to a dual system of schools (Art. XII, Section 12, of the Florida Constitution) is rendered nugatory by the decision of this court in the Brown case, the Florida legislature must revise the entire School Code of Florida to the extent that the present code is predicated upon a dual system of education, and all administrative procedures which have developed under said code are grounded on the fundamental principle of a segregated system. A simple repeal of the various statutory and administrative procedures now provided for the operation of the school system (which may prove to be in conflict with the Brown decision) could only result in the creation of a vacuum in methods of school administration. The consequent immediate inrush of turbulent ideas into this vacuum without legal guidance or administrative regulation might well cause a tornado which would devastate the entire school system.

This system has grown through the years since the establishment of the "separate but equal" doctrine by the Court in the *Plessy v. Ferguson case (163 U.S. 537)*, into a mammoth and intricate system of public education in Florida involving the annual expenditure of $138,895,123.15 and the welfare of 650,285 children. We do not believe that this system, which took over half a century to develop, can be transformed overnight.

The bare mechanical process of enacting legislation requires reasonable time for study by legislative committees, the time depending upon the complexity of the problem, and must conform to the legally established time for convening the legislature. On a problem of the magnitude of the one at

issue, the study of legislative committees must be preceded by exhaustive study on the part of school officials and citizens' educational committees in order that the legislature may have the benefit of their recommendations.

I. EXAMPLES OF LEGISLATIVE PROBLEMS

(a) Scholarships

An example of the type of legislative problem which must be considered by school officials and the legislature is contained in Section 239.41, Florida Statutes.[1]

This law at present provides for 1,050 scholarships of $400 each year for students desiring to train for the teaching profession.[2]

According to the State Department of Education, awarding of the scholarships is done on a basis of county representation, race, and competitive test scores of psychological and scholastic aptitude. A compilation of the scores of the 740 white twelfth grade applicants in the Spring of 1954 yielded an average score of 340. Compilation of the 488 Negro twelfth grade applicants yielded an average score of 237. In the previous year, 1953, 664 white applicants made an average score of 342 while the Negro applicants made an average score of 237. This difference is classified as very significant, and should be interpreted as meaning that factors other than chance explain the different results between white and Negro scores.

In view of the wide divergence in achievement levels between the white and Negro races, as demonstrated by the scholarship examinations, and desiring to make these scholarship opportunities available to students of both races, it

1. See page 218, Appendix B.
2. See page 235, Appendix B.

was recognized that provision would have to be made whereby Negro students would not have to compete against white students for these awards. Therefore, the legislature of Florida provided that the scholarships should be apportioned to white and Negro applicants according to the ratio of white and Negro population in the counties. Only in this way can Negro students in this state be assured of receiving a proportionate share of state scholarships awarded on the basis of competitive examinations.

If the Court's decision in the Brown case is to be interpreted that no distinction can be made on the basis of race in the operation of Florida's school system, it is apparent that Section 239.41, Florida Statutes, will have to be revised if the state is to continue its policy of encouraging Negro as well as white students to enter the teaching field.

It is apparent that the overall problem of teacher shortages cannot be solved immediately by law. It can be solved eventually by provisions such as Section 239.41, Florida Statutes, which is calculated to encourage a larger number of people to qualify themselves as teachers. If Section 239.41, Florida Statutes, is revised, however, to preclude immediately any recognition of a difference in scholastic achievement between Negro and white applicants for teacher scholarships, such revision would make it virtually impossible for the great majority of Negro students in Florida to receive scholarships, and from an economic standpoint they form the group of potential teachers who need such assistance most.

The problem can be solved, however, by time, without working an undue hardship on Negro students or creating an even greater shortage of teachers in Florida.

Dr. Gilbert Porter, Executive Secretary of Florida State Teachers Association had this to say on the subject in addressing a meeting of Negro teachers in Tallahassee on August 19, 1954:

"It is of no avail to blind ourselves to the marked difference in scholastic achievement between white and Negro students. This difference is not our fault, but it is there and must be recognized. If the doors to the state white universities were thrown open to Negro students today, it would make little difference because a great majority of Negro students could not pass an impartial entrance examination. We, as Negro teachers, can provide the only solution to this dilemma if given a reasonable amount of time, but it will mean an absolute dedication to his work on the part of every Negro teacher. Negro teachers can close the gap between Negro and white students if they will work hard enough. We have come a long way already in closing that gap and it can be closed completely within the foreseeable future if we will work hard enough. Any Negro teacher who is not willing to dedicate himself to this purpose should step out of the way because he is standing in the way of the progress of our race. Either we must remove this difference in scholastic standing or admit that we are inferior—and I will die and go to the hot place before I will ever admit that I am inferior."

Whatever is done by school officials and the Florida legislature to fit the Florida teacher scholarship act (Sec. 239.41, Florida Statutes) into the framework of the new concept of a non-segregated school system enunciated by the Court, should take into consideration the human rights and legal equities of members of the Negro race who would like to enter the one professional field which is now open to them on a large scale, and which they are now not only invited but urged to enter on a basis of absolute economic and professional equality. A strict legal application of the principle that no distinction can be made on the basis of race in public schools would necessarily have to ignore practical and human factors as they now exist which are of fundamental importance to the operation of a public school system in Florida. One thing is apparent. No equi-

table and workable solution can be found unless sufficient time is permitted by the Court in the application of its decree abolishing segregated schools, to allow for an abatement of the problems involved and an equitable adjustment by the school system to so drastic a change in its basic structure.

(b) Powers and Duties of County School Boards

The problems which will necessarily confront the Florida legislature in revising the provision of Section 230.23, Florida Statutes,[1] alone, are so involved and complicated if practical questions of school administration are to be considered, that no immediate solution is feasible.

Section 230.23, Florida Statutes, provides the powers and duties of county school boards and establishes a framework within which they may authorize schools to be located and maintained. It provides in part:

> "Authorize schools to be located and maintained in those communities in the county where they are needed to accommodate as far as practicable and without unnecessary expense all the youth who should be entitled to the facilities of such schools, separate schools to be provided for white and Negro children; and approve the area from which children are to attend each such schools, such area to be known as the attendance area for that school . . . "

Bearing in mind that this provision of the law has been followed throughout the development of the Florida school system and the location of schools decided in accord with its intent, a simple repeal of this provision would provide no systematic guide or formula for local school boards to follow in attempting to redesign and reorganize the dual sys-

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1. See page 217, Appendix B.

tem now in operation, which at present involves real estate estimated to be valued at $300,000,000 and a current building program now under way involving from $90,000,000 to $100,000,000,[1] into a single non-segregated system.

The conversion of this $300,000,000 school plant into a non-segregated system will clearly take a great deal of planning if the old primary factor of racial segregation is removed in school location, construction and operation.

The State Department of Education reports[2] that:

> "Florida provides annually $400 per instruction unit for Capital Outlay needs which for the 67 counties totaled $9,451,600 in 1953-54 and has been computed at $10,199,448 for the 1954-55 estimate. This money is spent in each county according to the needs recommended by a state-conducted school building survey. With the help of these individual county surveys it was estimated as of January, 1954 that $97,000,000 will be needed to provide facilities for white children and $50,000,000 will be needed to provide facilities for Negro children. Since the activation as of the effective date January 1, 1953 of a Constitutional Amendment providing for the issuance of revenue certificates by the State Board of Education against anticipated state Capital Outlay funds for the next thirty years more than $43,000,000 in state guaranteed bonds have been issued to provide additional facilities for both races. By the fall of 1954 there will have been a total of $70,000,000 of these bonds issued and in the foreseeable future the total will be $90,000,000 to $100,000,000. At the present time 2182 classrooms are under construction as a result of the issuance of these bonds."

The planning included in making necessary surveys, acquisition of sites, financing and engineering involved in the present construction program, although performed at top speed under the compulsion of a critical shortage of school

1. See page 188, Appendix A.
2. See page 187, Appendix A.

buildings in Florida, is a continuing process and requires several years to carry out successfully.

Much of this school planning with regard to the allocation and use of existing structures as well as new construction will have to be re-evaluated and revised in accord with the entirely new and basic change to a non-segregated system.

These facts, when considered in the light of the overcrowded conditions now prevailing in many Florida schools, must be studied by the legislature and school officials in any effort to provide adequate administrative means of complying with the Court's decision. According to the State Department of Education, during the school year 1953-54, *eighty-one schools in 18 Florida counties were forced to operate double sessions because of the lack of classroom space and trained teachers.* In many instances to integrate immediately in particular schools would mean overcrowding of school facilities resulting in serious administrative problems too numerous to detail.

When these problems are further complicated by the drastic change in the legal framework of segregated schools in Florida, it is apparent that such factors should be recognized by the Court and sufficient time allowed for their orderly solution.

(c) State Board of Education and State Superintendent

A third example of the complex problems which will confront school officials and the Florida legislature in revising the framework of laws within which the school system can operate efficiently in compliance with the Brown decision is found in Sections 229.07,[1] 229.08,[2] Florida Statutes, relating to the authority and rule-making powers

1. See page 215, Appendix B.
2. See page 216, Appendix B.

and duties of the State Board of Education; and Sections 229.16[3] and 229.17[4] relating to the duties of the State Superintendent of Public Instruction.

Although these provisions may not directly relate to segregated schools, they have in each instance been enacted and administered in accord with the basic provision of Florida law requiring a dual school system, and some revision will be necessary in the administrative powers granted therein in order to insure compliance with the Court's decree.

Specific problems in this regard are found in State Board Regulations adopted April 27, 1954 (page 154, State Board Regulations, page 219, Appendix B) related to the calculation of instruction units and salary allocations from the Foundation Program; State Board Regulation adopted March 21, 1950 (page 164, State Board Regulations, page 220, Appendix B), related to Administrative and Special Instructional Service; State Board Regulation adopted March 21, 1950 (page 171, State Board Regulations, page 221, Appendix B), related to units for supervisors of instruction; State Board Regulation adopted July 3, 1947 (page 28, State Board Regulations, page 226, Appendix B), related to School Advisory Committees; State Board Regulation adopted March 21, 1950 (page 148, State Board Regulations, page 228, Appendix B), related to the qualifications, duties and procedure for employment of supervisors of instruction; State Board Regulation adopted July 3, 1947 (page 156, State Board Regulations, page 232, Appendix B), related to isolated schools, State Board Regulation adopted July 21, 1953 (page 225, State Board Regulations, page 235, Appendix B), related to the distribution of general scholarships; State Board Regulation adopted July 3, 1947 (page 229, State Board Regulations, page 242, Appendix B), related to State Supervisory Services.

3. See page 216, Appendix B.
4. See page 217, Appendix B.

II. DISCUSSION OF LEGISLATIVE ATTITUDES

In setting out these examples of legislative problems which will require reasonable time for solution, we do not intend to imply that the members of the Florida legislature are at present willing to accept a desegregated school system. In fact, from such information as is now available on this point there is reason to believe that members of the Florida legislature are to a large extent unsympathetic to the Court's decision in the Brown case. A survey of leadership opinion regarding segregation in Florida conducted by the Attorney General included the following statement in the survey report (page 126, Appendix A):

> "Although the 79 members of the state legislature who returned questionnaires constitute almost 45% of the 176 legislators and legislative nominees, to whom the forms were sent, generalizations as to the entire membership of the legislature on the basis of their responses are entirely unwarranted. Any attempt to predict the action of the legislature at its next session would be even more presumptuous. The responses of these legislators to two special questions asked of them are presented below as a matter of interest, however.
>
> "The legislators were asked to indicate which of five possible courses of action should be followed at the next session of the legislature. The percentage checking each course, and the details of the five courses of action, are shown in Table 20 (Appendix A). The legislators were also asked whether they believed that there is any legal way to continue segregation in Florida schools indefinitely. Of the 79 respondents, 34.20% replied 'yes', 25.31% replied 'no' and 39.32% answered 'Don't know' or gave no answer."

Table 20, Appendix A, indicates that 40.5% of the members of the legislature who responded to the questionnaire wanted to preserve segregation indefinitely by whatever means possible.

It is even more significant that the Florida legislature in its 1951 session amended the appropriations act for the State Universities to provide that in the event Section 12 of Article 12 of the Florida Constitution shall be held unconstitutional by any court of competent jurisdiction or in the event the segregation of races as required by Section 12, Article 12 of the Florida Constitution should be disregarded, that no funds under the appropriations act shall be released to the Universities (page 683, Journal of the Florida House of Representatives, May 10, 1951). This amendment contained in Chapter 26859, General Laws of Florida, 1951, was vetoed by the Governor.

On the other hand, it is not our purpose to imply that the Florida legislature will refuse to take any action to provide a framework of laws designed to implement the Court's decision. Only the legislature itself under our form of government can determine what course of action it will pursue and we know of no way it can be coerced in making this determination except through the will of a majority of the people voiced through the ballot.

One thing seems apparent, however, under these circumstances. The Court upon equitable principles ought to extend to our legislature a reasonable period of forbearance during which the normal processes of legislative authority can be afforded time and opportunity to implement the Court's decision. The great multitude of problems the decision has created in the legal structure of our school system should warrant the Court in granting our legislature full opportunity to revise our school laws.

Such a period of forbearance is in keeping with the spirit of confidence which, under our system of democracy, is essential to maintain among the three branches of government. It is in keeping with the spirit of confidence which must be maintained between state governments and the Federation of States which has delegated to this Court

its judicial authority. A fundamental precept in the practical workings of this spirit of confidence is the use of persuasion rather than coercion or compulsion. We believe that this Court will not attempt to use its powers of coercion precipitately and prematurely against any state whose legislature has not had time to revise its basic school laws to meet the requirements of transition.

Our Florida legislature under our Constitution does not convene again until April, 1955 for its biennial 60-day session.

Even at that session there may not be known the terms of the implementation pattern, since they are dependent upon whether the Court acts prior to April, 1955. Furthermore, whether the necessary spade-work and drafting of legislation to adequately provide for the transition can be accomplished within said session is largely a matter of conjecture, so multitudinous and complex are the problems.

We reiterate: the State, having so long relied on and lived under the Plessy doctrine, should have no unseemly haste visited upon its legislature in trying to meet the needs of transition, especially when it is considered by many to be, at best, a "bitter pill" for the legislature to swallow. Rather, the reasonable, considerate and tempered course would be to allow our legislature a requisite and ample period of time to study, debate and enact implementation legislation. This we believe the court from innate principles of equity will allow.

B. The Need For Time In Revising Administrative Procedures

In addition to the problem of statutory revision, the Court should consider the need for time in adjusting the literally thousands of administrative policies and regulations of local school boards and school superintendents which have been formulated within the framework of law to meet local conditions in each of the 67 counties of Florida which will have to be revised and reorganized to conform to new legislative enactments resulting from the Brown decision. It is apparent that considerable time must be allowed before workable administrative policies of this kind can be evolved. Speaking to a group of Negro leaders in Jacksonville on July 30, 1954, Florida State School Superintendent Thomas D. Bailey, said:

> "As I see it, the ultimate problem is to establish a policy and a program which will preserve the public school system by having the support of the people. No system of public education will endure for long without public support. No program of desegregation in our public schools can be effective, unless the people in each community are in agreement in attempting it."

School board members, school trustees and school superintendents are elective officials in Florida. They are obviously well aware that any administrative policies they adopt implementing state laws enacted pursuant to the Brown decision must meet with at least some degree of acceptance on the part of the people in the community if they are to prove workable.

I EXAMPLES

(a) Transportation

Perhaps the best example of this type of problem is the practical difficulties which will be encountered in converting the present dual school bus transportation system into a single system.

During the school year 1953-54 Florida's school system operated 2212 buses. These buses traveled 30,910,944 miles to transport 209,492 pupils at a cost of $4,506,667 (see page 186, Appendix A). These figures may be compared with Florida Greyhound Lines, the largest motor bus common carrier in Florida, which operates 175 buses in the state. A court order merging Florida Greyhound Lines with a competing line would necessarily allow a considerable period of time for revising routes and schedules to avoid duplication and insure maximum service to the public, but such a merger would be relatively uncomplicated compared to the problems involved in merging Florida's dual school bus system.

The problems of merging what amounts to two bus systems into one system without regard to race are obviously complicated. Hundreds of bus routes and schedules will have to be revised in line with the school redistricting which must take place. In accomplishing such a drastic revision of bus routes and schedules the *paramount factor in school bus transportation, i.e., safety,* must be considered at all times in the light of the fact that *discipline among the passengers is directly related to safety.* Discipline on school buses is maintained by one person, the driver. The ability of the driver to maintain discipline and a reasonable degree of safety while transporting mixed racial groups which may be antagonistic must clearly be considered in re-routing and re-scheduling school bus routes. Such consideration on the part of local school boards will require degrees

of time in direct ratio to the complexity of the local situation in relation to the size and distribution of the Negro population and the intensity of opposition to desegregated schools on the part of the citizens.

(b) Redistricting

The redistricting of school attendance areas along normal geographic lines on the basis of a single school system rather than a dual system as it now exists is another problem which will require a great deal of time in proper planning and execution.

(c) Scholastic Standards

Perhaps an even greater problem which will confront school officials on both the state and county level is the maintenance of scholastic standards in the intermingling of two groups of students so widely divergent on the basis of achievement levels. According to the State Department of Education (see page 190, Appendix A):

> "A comparison of the performance of white and Negro high school seniors on a uniform placement-test battery given each spring in the high schools throughout the State of Florida is shown in Table 4, page 196, Appendix A. The number of participants corresponds with the total twelfth grade membership during the five-year period, 1949-1953. This table shows, for example, that on all five tests 59% of the Negroes rank no higher than the lowest 10% of the whites. On the general ability scale, the fifty percentile or mid-point on the white scale corresponds with the ninety-five percentile of the Negro scale. In other words, only 5% of the Negroes are above the mid-point of the white general ability level. Studies of grades at the University of Florida indicate that white high school seniors with placement test percentile ranks below fifty have less than a 50% likelihood of making satisfactory grades in college. While factors such as size of high

school, adequacy of materials, economic level, and home environment are recognized as being contributing factors, no attempt is made here to analyze or measure the controlling factors."

In some large schools it is possible to divide students in the same age groups into different classes, taking into consideration their achievement level, but smaller schools do not have sufficient classroom space or teachers to make such a division possible. In the latter class of schools it is clear that an immediate and arbitrary intermingling of students falling into such widely divergent achievement level groups could only result in lowering the scholastic standards of the entire school and adding to the problems of discipline and instructional procedures. The Negro students would suffer if compelled to compete against white students of the same age but whose achievement level was 2 or 3 grades higher and the white students would be seriously retarded.

This problem is not insoluble and it is not advanced as a reason for permanent segregation in the schools. It is, however, a problem which must be taken into consideration by school officials in any attempt at integration of the races in the schools and it is a problem which will require careful planning, new techniques, and a great deal of time if it is to be solved without doing serious harm to both races and to the school system.

(d) Health and Moral Welfare

Still another example of school administrative problems in achieving an integrated school system is related to health and moral welfare. Writing in the Readers Digest, September, 1954, page 53, Mr. Hodding Carter, Editor and Publisher of the Delta Democrat Times, Greenville, Mississippi, said:

"If only because of economic inequalities, there is a wide cultural gap between Negro and white in the South, and especially in those states where dwell the most Negroes. These heavily Negro states are also largely agrarian. Among the rural and small-town Negroes, the rates of near-illiteracy, of communicable diseases, of minor and major crimes are far higher than among the whites. The rural Negro's living standards, though rising are still low, and he is still easy-going in his morals, as witness the five to ten times higher incidence of extramarital households and illegitimacy among Negroes than among whites in the South. The Southern mother doesn't see a vision of a clean scrubbed little Negro child about to embark on a great adventure. She sees a symbol of the cultural lags of which she is more than just statistically aware."

Specifically, with regard to Florida, the State Board of Health reports that during the year 1953 there was a total of 58,262 white births in the state, of which 1,111 were illegitimate. During this same period there was a total of 21,825 Negro births of which 5,249 were illegitimate. Percentagewise, this means that 1.9% of white births in Florida during 1953 were illegitimate and 24% of Negro births were illegitimate[1].

According to the State Board of Health there was a total of 11,459 cases of gonorrhea reported in Florida during 1953 of which 10,206 were among the Negro population.[2] We feel that this cultural gap should be honestly recognized by both white and Negro leaders as a problem requiring time for solution rather than an arbitrary and blind refusal to admit that it exists or that it is related to public school administration.

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1. Annual Report, Florida State Board of Health for 1953, Supplement No. 1, Florida Vital Statistics.
2. Annual Report, Florida State Board of Health 1953, Supplement No. 2, Florida Morbidity Statistics 1953, Table No. 5, page 25.

C. The Need For Time In Gaining Public Acceptance

There is a need for time in gaining public acceptance of desegregation because of the psychological and sociological effects of desegregation upon the community.

I. A SURVEY OF LEADERSHIP OPINION

A sincere and exhaustive effort has been made by the Attorney General of Florida to ascertain, as accurately as possible, the feelings of the people of Florida with regard to segregation in public schools. This survey was authorized by the Florida Cabinet which allocated $10,000 for the purpose. This effort was made primarily for the purpose of obtaining information which would be of use to the Court in formulating its final decree in the Brown case.

In making the survey and study, every possible precaution was taken to insure its impartiality and scientific accuracy. It was made with the advice and under the supervision of an interracial advisory committee composed of individuals chosen on the basis of their professional standing in the field of education; specialized knowledge which would be helpful in making such a study; reputation for civic-mindedness and impartiality and because they were willing to devote their time without pay in carrying out a task so enormous in scope in the brief time available. A more detailed explanation of the scientific methods and techniques employed in making this study is given with the

complete survey report itself, which is made a part of this brief and included as Appendix A. The General Conclusions of this report are as follows:

II. GENERAL CONCLUSIONS

1. On the basis of data from all relevant sources included in this study, it is evident that in Florida white leadership opinion with reference to the Supreme Court's decision is far from being homogeneous. Approximately three-fourths of the white leaders polled disagree, in principle, with the decision. There are approximately 30% who violently disagree with the decision to the extent that they would refuse to cooperate with any move to end segregation or would actively oppose it. While the majority of white persons answering opposed the decision, it is also true that a large majority indicated they were willing to do what the courts and school officials decided.

2. A large majority of the Negro leaders acclaim the decision as being right.

3. Only a small minority of leaders of both races advocate immediate, complete desegregation. White leaders, if they accept the idea that segregation should be ended eventually, tend to advocate a very gradual, indefinite transition period, with a preparatory period of education. Negroes tend to advocate a gradual transition, but one beginning soon and lasting over a much shorter period of time.

4. There are definite variations between regions, counties, communities and sections of communities as to whether desegregation can be accomplished, even gradually, without conflict and public disorder. The analysis of trends in Negro registration and voting in primary elections, shows similar variations in the extent to which Negroes have availed themselves of the right to register and vote. At least some of these variations in voting behavior must be ac-

counted for by white resistance to Negro political participation. This indicates that there are regional variations not only in racial attitudes but in overt action.

Regional, county and community variations in responses to questionnaires and interviews are sufficiently marked to suggest that in some communities desegregation could be undertaken now if local leaders so decided, but that in others widespread social disorder would result from immediate steps to end segregation. There would be problems, of course, in any area of the state, but these would be vastly greater in some areas than in others.

5. While a minority of both white and Negro leaders expect serious violence to occur if desegregation is attempted, there is a widespread lack of confidence in the ability of peace officers to maintain law and order if serious violence does start. This is especially true of the peace officers themselves, except in Dade County. This has important implications. While it is true that expressed attitudes are not necessarily predictive of actual behavior, there seems little doubt that there is a minority of whites who would actively and violently resist desegregation, especially immediate desegregation. It has been concluded from the analysis of experiences with desegregation in other areas, "A small minority may precipitate overt resistance or violent opposition to desegregation in spite of general acceptance or accommodation by the majority."[1]

6. Opposition of peace officers to desegregation, lack of confidence in their ability to maintain law and order in the face of violent resistance, and the existence of a positive relationship between these two opinions indicates that less than firm, positive action to prevent public disorder might be expected from many of the police, especially in some communities. Elected officials, county and school, also show

1. Kenneth B. Clark, "Findings," Journal of Social Issues, IX, No. 4 (1953), 50.

a high degree of opposition. Yet it has been pointed out, again on the basis of experience in other states, that the accomplishment of efficient desegregation with a minimum of social disturbance depends upon:

A. A clear and unequivocal statement of policy by leaders with prestige and other authorities;
B. Firm enforcement of the changed policy by authorities and persistence in the execution of this policy in the face of initial resistance;
C. A willingness to deal with violations, attempted violations, and incitement to violations by a resort to the law and strong enforcement action;
D. A refusal of the authorities to resort to, engage in or tolerate subterfuges, gerrymandering or other devices for evading the principles and the fact of desegregation;
E. An appeal to the individuals concerned in terms of their religious principles of brotherhood and their acceptance of the American traditions of fair play and equal justice.

It may be concluded that the absence of a firm, enthusiastic public policy of making desegregation effective would create the type of situation in which attitudes would be most likely to be translated into action.[1]

7. In view of white feelings that immediate desegregation would not work and that to require it would constitute a negation of local autonomy, it may be postulated that the chances of developing firm official and, perhaps, public support for any program of desegregation would be maximized by a decree which would create the feeling that the Court recognizes local problems and will allow a gradual transition with some degree of local determination.

8. There is a strong likelihood that many white children would be withdrawn from public schools by their parents

1. Experience shows that where the steps listed above have been taken, predictions of serious social disturbances have not been borne out.

and sent to private schools. It seems logical, however, that this practice would be confined primarily to families in the higher income brackets. As a result, a form of socio-economic class segregation might be substituted for racial segregation in education.

9. It is evident that a vast area of misunderstanding as to each other's feelings about segregation exists between the races. White leaders believe Negroes to be much more satisfied with segregation than Negroes are and Negro leaders believe that whites are much more willing to accept desegregation gracefully than whites proved to be. Hence a logical first step towards implementing the principle set forth by the Court, and one suggested by both whites and Negroes, would seem to be the taking of positive, cooperative steps to bridge this gap and establish better understanding between the two groups.

10. Although relatively few Negro leaders and teachers show concern about the problem, white answers indicate that Negro teachers would encounter great difficulty in obtaining employment in mixed schools. To the extent that desegregation might proceed without parallel changes in attitudes towards the employment of Negro teachers in mixed schools, economic and professional hardships would be worked on the many Negro teachers of Florida.

11. Since 1940, and particularly since 1947, the State of Florida has made rapid and steady progress toward the elimination of disparities between white and Negro educational facilities as measured by such tangible factors as teacher salaries, current expenditure per pupil, teacher qualifications, and capital outlay expenditure per pupil.

12. In spite of the current ambiguity as to the future of dual, "separate but equal" school facilities the State is proceeding with an extensive program of construction of new school facilities for both white and Negro pupils, with a

recommended capital outlay of $370 per Negro pupil and $210 per white pupil. Both this and the previous finding indicate that, while these steps have been taken within the framework of a dual educational system, there is a sincere desire and willingness on the part of the elected officials and the people of Florida to furnish equal education for all children.

13. Available achievement test scores of white and Negro high school seniors in Florida indicate that, at least in the upper grades, many Negro pupils placed in classrooms with white pupils would find themselves set apart not only by color but by the quality of their work. It is not implied that these differences in scores have an innate racial basis, but it seems likely that they stem from differences in economic and cultural background extending far beyond the walls of the segregated school, into areas of activity not covered by this decision.

14. Interracial meetings and cooperative activities already engaged in by teachers and school administrators in many counties demonstrate steps that can be, and are being taken voluntarily and through local choice to contribute to the development of greater harmony and understanding between whites and Negroes in Florida communities.

The specific findings of this survey regarding leadership opinion as expressed through mailed questionnaires are:

1. White groups differ greatly from each other in their attitudes towards the Court's decision, ranging from nearly unanimous disagreement to a slight predominance of favorable attitudes. (See Table 2, page 136, Appendix A)

2. White groups also differ from each other in willingness to comply with whatever courts and school boards decide to do regardless of their personal feelings. (See Table 4, page 139, Appendix A)

3. Peace officers are the white group most opposed to desegregation. (See Table 3, page 138, Appendix A)

4. Almost no whites believe that desegregation should be attempted immediately. (Table 2, page 136, Appendix A)

5. A large majority of both Negro groups are in agreement with the Court's decision declaring segregation unconstitutional. (Table 3, page 138, Appendix A)

6. While only a small minority of both Negro groups believe that desegregation should be attempted immediately, an even smaller minority would oppose attempts to bring about desegregation or refuse to cooperate. (Table 2, page 136, Appendix A)

7. Only a minority of whites in all groups believe that opponents of desegregation would resort to mob violence in trying to stop it. A larger proportion, but still a minority, believe that serious violence would result if desegregation were attempted in their community in the next few years. (Table 5, page 140, Appendix A)

8. A yet smaller minority of both of the Negro groups anticipate mob violence or serious violence as a result of steps towards desegregation. (Table 5, page 140, Appendix A)

9. The majority of all white groups are not sure that peace officers could cope with serious violence if it did occur in their communities, replying either "no" or "don't know" to the question. (Table 6, page 141, Appendix A)

10. A much smaller proportion of both Negro groups expresses doubt as to the ability of law enforcement officials to deal with serious violence. (Table 6, page 141, Appendix A)

11. The majority of most of the white groups believe that peace officers could maintain law and order if minor violence occurred. (Table 7, Appendix A)

12. The Negro groups did not differ greatly from the white groups in the proportion believing that police could cope with minor violence. (Table 7, Appendix A)

13. Only 13.24 per cent of 1669 peace officers believe that most of the peace officers they know would enforce attendance laws for mixed schools.

14. A majority of the members of all white groups except peace officers, (who were not asked): radio station managers; and ministers, believe that most of the people of Florida and most of the white people in their communities disagree with the Court's decision. (Table 8, Appendix A)

15. In the five white groups asked, from one-fourth to one-half of the respondents believed that most of the Negroes in their community were opposed to the desegregation ruling. (Table 8, Appendix A)

16. A much smaller proportion of both Negro groups believe that most of the people of Florida, most of the whites in their community, and particularly the Negroes in their communities are in disagreement with the principle of desegregation. (Table 8, Appendix A)

17. Only a small minority of all groups, white and Negro believe that immediate assignment of children to schools on the basis of geographical location rather than race would be the most effective way of ending public school segregation. (Table 9, Appendix A)

18. All groups think a gradual program of desegregation would be most effective. Negroes, however, prefer that the process start within the next year or two with immediate, limited integration much more frequently than do whites. The whites prefer a very gradual transition with no specified time for action to begin. (Table 9, Appendix A)

19. Whites who expressed an opinion believe that the primary grades and the colleges are the levels on which desegregation could be initiated most easily. On the other hand, almost as many Negroes believed that segregation should be ended on most or all grade levels simultaneously as believed it should be ended first at the lowest and highest grade levels.

20. The maintenance of discipline in mixed classes by Negro teachers is regarded as a potential problem by a

majority of white principals, supervisors and PTA leaders. A much smaller proportion of Negroes regarded this as a problem, with a majority of Negro principals believing that colored teachers could maintain discipline in mixed classes. (Table 11, Appendix A)

21. A majority of all white groups believe that white people would resist desegregation by withdrawing their children from the public schools, but a much smaller proportion of Negroes, less than a majority believe that this would happen. (Table 11, Appendix A)

22. Almost two-thirds of white school officials—superintendents, board members, and trustees—believe that application of Negroes to teach in mixed schools would be rejected. (Table 11, Appendix A)

It should be noted at this point that this opinion is supported by the experience of other states where desegregation of schools has already taken place. The August 27, 1954, issue of U. S. News and World Report, page 35, states, "In the north, protests from white parents tend to drive Negro teachers out of the schools to which their children go. The same thing is expected in the South when desegregation comes to the schools there. An illustration of what happens in the North is shown by the experience of Jeffersonville, Indiana. The town lies in the southern part of the State, just across the Ohio River from Kentucky. A great deal of Southern tradition and many Southern customs have reached across the river. Jeffersonville is just completing desegregation of its schools. There have been few unhappy incidents. But there has been a greater problem with teachers than with children in the schools. There were 16 Negro teachers in Jeffersonville when desegregation was started in 1948. By 1951 their number had dwindled to 11 as school enrollments were consolidated. For the school year starting in autumn, 1951, only three Negro teachers were retained. They had achieved permanent tenure under State law, and could be discharged only for cause."

Florida now employs 19,848 persons in instructional positions not including supervisors. 4,721 of these teachers are Negroes. (Biennial Report, Superintendent of Public Instruction, State of Florida, 1950-51)

23. Nearly three-fourths of school officials believe that it would be difficult to get white teachers for mixed schools. (Table 11, Appendix A)

24. Almost half of school officials and a little over 40% of white PTA leaders believe that the people of their communities would not support taxes for desegregated schools, but only about 20% of Negro PTA leaders believe that such support would not be forthcoming. (Table 11, Appendix A)

25. In the case of all potential problems on which both Negroes and whites were questioned a smaller proportion of Negroes than of whites indicate belief that problems would arise as a result of desegregation. (Table 11, Appendix A)

26. In the case of peace officers there is a positive relationship between personal disagreement with the decision and lack of confidence in the ability of peace officers to cope with serious violence. There is an even higher positive relationship between belief that segregation should be kept and belief that peace officers would not enforce school attendance laws for mixed schools. (Table 12, Appendix A)

Regional Variations. The responses to certain items of the two largest groups polled, the peace officers and the white school principals and supervisors, were analyzed by region of the state in which the respondents lived. The 67 counties of Florida were grouped into 8 regions defined by social scientists at the Florida State University in "Florida Facts" (Tallahassee, Florida; School of Public Administration, The Florida State University).

Clear-cut regional variations in attitudes and opinions are found to exist, as is indicated by the following findings;

27. Although the majority of peace officers in all regions feel that segregation should be kept, the percentage feeling so varies from 83% in two regions to 100% in one region. (Table 14, Appendix A)

28. The percentage of white principals and supervisors who are in disagreement with the decision varies from 20% to 60% in different regions. (Table 15, Appendix A)

29. A large majority of white principals and supervisors in all regions indicate that they would comply with the decision regardless of personal feelings, but the percentage varies from 76% in Region VII to approximately 94% in Regions VI and VIII. (Table 16, Appendix A)

30. The percentage of peace officers predicting mob violence as a method of resisting desegregation varies from 20% in Region VIII to nearly 63% in Region VII (Table 17, Appendix A).

31. Percentages of both peace officers and white principals and supervisors predicting serious violence in the event desegregation is attempted vary widely between some regions (Table 18, Appendix A).

32. The majority of both peace officers and white principals and supervisors in all regions doubt that the police could maintain law and order if serious violence occurred, but there are some regional variations. (Table 19, Appendix A)

A Note on Responses of Legislators. Although the 79 members of the state legislature and legislative nominees who returned questionnaires constitute almost 45 per cent of the 176 legislators to whom the forms were sent, generalizations as to the entire membership of the legislature on the basis of their responses are entirely unwarranted. Any attempt to predict the action of the legislature at its next session would be even more presumptuous. The responses of these legislators to two special questions asked of them are presented below as a matter of interest, however.

The legislators were asked to indicate which of five possible courses of action should be followed at the next session of the legislature. The percentage checking each course, and the details of the five courses of action, are shown in Table 20.

The legislators were also asked whether they believed that there is any legal way to continue segregation in Florida schools indefinitely. Of the 79 respondents, 34.20 per cent replied "Yes," 25.31 per cent replied "No," and 39.32 per cent answered "Don't Know," or gave no answer.

III. THE DADE COUNTY REPORT

A separate intensive study was made by the Attorney General's Advisory Committee under the immediate supervision and direction of a research team from the Department of Government of the University of Miami. This study was made of the greater Miami area and some outlying sections in neighboring counties in the belief that this part of Florida might have different problems of integration from other parts of the state due to its geographic location and density of population. The results of this study are included as a part of the overall project and set out in Appendix A.

IV. DISCUSSION

The implications found in the Florida survey are many and varied but it is significant that to a remarkable extent they verify and coincide with the conclusions and observations set forth in the book by Mr. Harry S. Ashmore, "The Negro and the Schools". The book is the result of an exhaustive research study sponsored by the Ford Foundation for the Advancement of Education of the problem of segregation in the south as the title implies.

For example, Mr. Ashmore states (page 81, "The Negro and the Schools):

> "The most important factor in integration of the public schools in the non-South, finally, is community attitudes. *It is axiomatic that separate schools can be merged only with great difficulty, if at all, when a great majority of the citizens who support them are actively opposed to the move.* (Italics supplied) No other public activity is so closely identified with local mores. Interest in the schools is universal, and it is an interest that directly involves not only the tax-payer but his family, and therefore his emotions. Those who are indifferent to all other community affairs tend to take a proprietary interest in the schools their children attend, or will attend, or have attended. State influence in public education has grown in recent years in proportion to the increase in state aid, but state policies rarely are so important as local forces in the shaping of public educational policies and practices. . . .
>
> "The most meticulous house-to-house poll in any American community with a sizeable Negro population would doubtless turn up a negative response to a proposal to integrate the separate public schools. In the case of the whites this might reflect deep-seated race prejudice, or it might be no more than the normal, instinctive resistance to any marked change in the accustomed patterns of everyday living. In many cases the basis of objection might be the demonstrable fact that the great majority of American Negroes are still slum-dwellers; many a parent who proudly considers himself wholly tolerant in racial matters will object to having his child associate with classmates of inferior economic and social background. It is probable that some resistance to integration would even be recorded among Negroes, who might respond negatively out of simple fear of the unknown, or the desire to protect their children against possible overt discrimination by white classmates or teachers. The great problem for schoolmen who have been moved to consider integration by their own convictions, or by the prodding of higher authority, has been to determine whether the passive

resistance which they can readily sense will be translated into active resistance once the issue is drawn.

"In any event the superintendent who is called to take his school system from segregation to integration must be prepared to function as a *'social engineer'* (Italics supplied). He will deal on a mass scale with delicate problems of human relationships involving not only pupils and teachers but the community at large.

"These case studies demonstrate that wherever there has been an active and well-planned program to 'sell' integration to the community at large it has succeeded —but here again there is no way to measure just how difficult the selling job really was. The most notable examples are to be found in New Jersey, where a well-staffed state agency made it its business to work closely with those communities which had long practiced segregation and appeared resistant to the change required by the new constitution. Although New Jersey's Division Against Discrimination was armed with the power to withhold state funds and even to bring misdemeanor charges against school officials who refused to comply, it accomplished the integration of 40 formerly segregated school districts without invoking these powers in a single instance...

"At the other end of the scale is Cairo, Illinois, where the effort of the NAACP to force a reluctant school board to accept the state ban on segregation led to violence. Cairo in almost every aspect of its community life, may be classified as a 'sick city,' and there is no indication of anything approximating an orderly interracial approach to the problem either before or after integration became an explosive issue.

"Between these two extremes lie most of the non-Southern cities. They are, for the most part, beyond the reach of any possible decision of the Supreme Court in the test cases, for segregation in the schools of the non-South is now rarely bolstered by law, and where it is it would hardly miss the legal prop if it were struck down. Desegregation is proceeding there at a rate determined by the willingness of individual communi-

ties to accept the change—or by the willingness of community leaders to put the issue to the test."

The same recognition of the problems involved in desegregation and the obvious need for adequate time to give local school administrators an opportunity to devise plans and means of overcoming the problems is found in the thinking of almost all authorities who have made a study of the subject.

In discussing the Problems of Desegregation, Dr. Truman M. Pierce, Professor of Education, George Peabody College for Teachers, and Director of the Cooperative Program in Educational Administration (Southern Region) had this to say (see page 91 Journal of Public Law, Emory University Law School, Vol. 3, Spring 1954, Number 1).

"People respond well, in general, to the opportunity of discussing with each other mutual concerns and interests. Controversial subjects discussed in the public arena under skillful leadership can often be resolved with a minimum of conflict. Effective public forums on the community level provide experiences in self-government which can hardly be surpassed in satisfactions which they bring and in progress they stimulate. However, questions tinged with a high degree of emotionalism offer ready-made opportunities for rabble rousers and self-seekers to do serious harm. Consequently, the calm, sane and relatively objective approach, which can be expected from most of the substantial citizens of the average community, is essential in the types of discussion suggested. It is hardly necessary to point out that such public forums should avoid emotional binges and concentrate on the study of facts. The third principle is that responsible and public spirited citizens of both races should discuss together the facts concerning their school system and together make plans for its improvement. This does not imply that the board of education should be by-passed, for final policy must be determined by this legally constituted body.

> *"Ill-advised and hasty action, determined without benefit of a period in which calm deliberation takes place* (Italics supplied) can do more harm than good. Urgency need never take precedence over wisdom. Piecemeal and stopgap policies are likely to prove unsound and wasteful in the long run. Therefore, the final principle which is suggested is that extensive policy setting based on thorough study and careful thought should provide the framework for a thorough and comprehensive program of work extending as far into the future as is practical."

Dr. Howard W. Odum,[1] in discussing "An approach to diagnosis and direction of the problem of Negro segregation in the public schools of the South" says (Journal of Public Law, Emory University Law School, Vol. 3, Spring 1954, No. 1, page 34):

> "Final assumptions must rest upon continuing exploration, education, testing grounds for federal and state programs, and for a working balance between voluntaristic and coercive action. For, from special studies, general observations, and recorded experiences, it must be clear that all our exhibits of evidence appear as a sort of tug of war, now moving this way, now that. The real definition of the situation comes back again and again to inferences about issues, cultural values that are characteristic of the region, and to exploration and survey, projection of trends and predictions, and potentials that can be identified with alternatives. In this dilemma it would seem that never have the old classical, 'On the one hand and on the other,' and 'but also,' appeared to carry such a multitude of dichotomies, paired contradictions, major premises assumed, 'ands,' 'ors,' and 'buts,' in the loom of interaction processes. And rarely ever have we run across so many generalizations based upon so little basic research or tested observations. All of this is

1. Professor of Sociology, University of North Carolina; past president of the American Sociological Society; editor, Social Forces; author, American Sociology (1951) and other books.

relevant not only to the elemental cataloguing of facts and the appraisal of causal factors, but to the orientation of value judgments and strategy priorities."

Everyone concerned in the State of Florida with the problems inherent in any attempt to desegregate schools, whether he be a member of the legislature or a school official cannot help but be aware that any change which is undertaken from the status quo must be made with at least the passive approval of the people in the community who will be affected by the change. Mr. Ashmore (The Negro and the Schools, page 135) states:

> *"Finally, there is the hard fact that integration in a meaningful sense cannot be achieved by the mere physical presence of children of two races in a single classroom. No public school is isolated from the community that supports it, and if the very composition of its classes is subject to deep-seated and sustained public disapproval, it is hardly likely to foster the spirit of united effort essential to learning. Even those who are dedicated to the proposition that the common good demands the end of segregation in education cannot be unaware that if the transition produces martyrs they will be the young children who must bear the brunt of spiritual conflict."*

D. Intangibles In Education

This Court has recognized the validity and significance of certain intangibles in education. Quoting from the Brown decision it said "In Sweatt v. Painter, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on 'those qualities which are incapable of objective measurement but which make for greatness in a law school'.

"In McLaurin v. Oklahoma State Regents, supra, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ' . . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.'

"Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The legislature of Florida was motivated by the same consideration of "intangibles" in education when it enacted Section 242.46, Florida Statutes. This law prohibits secret societies including fraternities and sororities in the public schools. The legislature and school officials recognized that in some instances fraternities generated feelings

of snobbishness on the part of the members and feelings of inferiority on the part of those not invited to join. It was considered that these feelings might in the words of the court "affect their hearts and minds in a way unlikely ever to be undone."

We believe that this Court should recognize the validity and significance in education of other "intangible considerations" which may result from a precipitate attempt to compel desegregated schools in all areas of Florida. It is obvious that children reflect in their attitudes much of the same deep-seated prejudices and antagonisms felt by their parents. In the many areas of Florida where these feelings are known to exist no school administrator could compel an immediate desegregation without the certain knowledge that he was placing the children in a situation which could only result in generating feelings of hatred, inferiority and bias which would "affect their hearts and minds in a way unlikely ever to be undone."

E. Reason for Hope

There is some reason to believe that segregated schools can be ended in Florida in an equitable manner without destroying the school system itself. But there is no reason to believe that this can be accomplished hurriedly or through the legal coercion of school officials who would thus find themselves caught in the impossible dilemma of confronting on the one hand the irresistible force of a judicial edict which must be obeyed and on the other hand the immovable object of public opinion which cannot be altered. The only hope for a solution is for this Court to restrain the use of coercive measures where necessary until the hard core of public opinion has softened to the extent that there can be at least some measure of acceptance on the part of a majority of the people.

This recognition of the need for time and tact and wisdom in bringing about a true realization of the goal set by this Court, is shared by leaders of both the white and Negro races in Florida.

Dr. Mary McLeod Bethune, founder of Bethune-Cookman College at Daytona Beach, Florida, and a recognized leader of the Negro people throughout the nation for many years, stated in a press release soon after the announcement of this Court's decree in the Brown case:

> "... The High Tribunal has put a legal foundation under a belief many of us have long held and which is clearly and concisely stated in the most basic American ideal, 'All men are created equal.'

"In quietness and patience, people of culture receive this news, realizing the inevitable has at last come about. They also realize, however, that the absorption into our daily life of this new decision—the putting of it into practice—must represent an organic cultural assimilation which, like all social processes, will take time. But eventually the wrongs and mistakes of history are righted and remedied and inhumanities are rectified. .... Let us enter into this integration calmly, with good judgment. Let us give and take, working out together the best possible means we can put into action so that there may be peace and understanding, and, may I say, the spirit of brotherhood.

"There is much for the Negro to do as well as the white. We must use tact and wisdom. It will take conferences, thinking and planning and working side by side. More largely than is realized, we are good, loyal, American citizens. And whether we be north, east, south or west, we shall put forth every effort to meet the requirements of our new status."

There is reason to believe that given the opportunity for voluntary local action and sufficient time an effort will be made on the part of educational leaders of both races in Florida to work together to achieve the goal set by the Court.

United States Senator Spessard L. Holland of Florida, speaking of desegregation, said in a press interview (Tampa Tribune, August 28, 1954, page 1):

"We cannot spend all our time in vain regrets, but rather time must be spent in trying, as apparently the State Cabinet has been doing along with officials and educators of both races at the local level, to learn how to bring it about."

On July 15 and 16, 1954, the Continuing Educational Council of Florida met in Tallahassee to consider the problem of desegregation. This Council is composed of representatives from virtually all civic, labor, veteran and edu-

cational organizations in the state. Seventy members of the Council were present at the Tallahassee meeting and the future course of Florida schools in the light of the Court's decision in the Brown case was discussed for two days. At the end of its deliberations the Council adopted the following motion:

> "Based on information and reports at this time, the Council joins with the request of the State Cabinet, heretofore made, whereby the Attorney General of Florida take every step necessary to prepare and file a brief which Florida and several other states have been invited to submit when consideration is given this October to the 'when' and 'how' provisions of the Court's judgment in the recent decision holding segregation unconstitutional. It now appears that this brief should emphasize among other things the following: 1. The maximum time possible should be granted the states affected. 2. Compliance with regard to time should be on a local basis; the time requirement because of mores and conditions will vary within counties of each state. 3. Enforcement provisions of the judgment's requirements should be left to the Courts of first instance."

Additional agreements which were reached by a large majority of the Council in discussion of the Supreme Court decision on segregation were as follows:

1. "The public school system of Florida should be maintained and improved. Nothing should be done which will destroy these schools or cause them to retrogress in any way."

2. "The citizens of Florida will wish to abide by the laws of our nation, but time for necessary adjustments is essential if serious problems are to be avoided."

3. "The problems of adjustment are different in each county and in various communities within each county. Responsibility for solution of these problems rests with the citizens and authorities within these local areas."

4. "A committee from the Continuing Educational Council, with outside representation as well, is to be appointed. Its function is to suggest multiple plans by which desegregation may be implemented. Among the ideas developed would be the suggestion that local groups of white and Negro citizens make careful appraisal of existing conditions with the idea of proceeding gradually and in an orderly manner toward compliance with our National Constitution."

5. "A committee of nine representatives from the Continuing Educational Council is to meet with a representative group of State Negro leaders for the purpose of developing a joint statement to serve as a guide to both races in working out the problems ahead."

On July 30th, 1954, fifty representative Florida Negro leaders met at Edward Waters College in Jacksonville to study the problem of integration of Florida schools. As a result of this meeting a committee of nine was selected to meet with a similar committee of the Continuing Educational Council of Florida for the purpose of studying ways and means of implementing the Supreme Court's decision in Florida.

On September 10, 1954, a committee representing the Continuing Educational Council, and a committee representing the Leadership Conference, a recently convened meeting of Negro leaders, met in Tallahassee to consider jointly some of the problems posed by the recent Supreme Court decision that segregation in the public schools is unconstitutional.

After lengthy consideration and frank discussions of the various viewpoints of both whites and Negroes, the joint committees agreed upon the following motion:

"1. THAT, in a democratic society, public education is of paramount importance;

THAT the State of Florida has made significant gains

in recent years in the quality of its educational program and in the educational opportunities for all the youth of the State;

THAT the State of Florida cannot afford the educational or economic loss which would occur if we permitted a disruption of this program;

THEREFORE, we believe that we must maintain and support a strong system of public education for all the youths of the State and that the citizens of Florida in their local contacts, through constant education and study, should work for the general education of all the people as prescribed by the laws of our State and Nation.

2. THAT we endorse the filing of the proposed brief by the Attorney General for the purpose of preserving the system of public education in the State of Florida when a final interpretation has been rendered by the Supreme Court.

3. THAT we urge this Committee to continue to work on the processes necessary for ultimate compliance with the law;

THAT we encourage the organization of similar groups at the local level, i.e., school community by school community, to work toward the same objectives."

The motion was approved unanimously.

The Lakeland Ledger in an editorial August 29, 1954 said:

"In his annual speech to his home folk in Bartow on Friday, Senator Holland took occasion to talk about abolition of segregation in public schools...

"That attitude is the only one with which the problem now at hand can be solved, and it is the attitude of all clear thinking citizens in the South.

"If the process is not rushed, there will be a good chance of making the adjustment harmoniously over a period of years.

"If forces in the North that are unfamiliar with con-

ditions in the South insist upon rushing matters, there is certain to be harmful friction.

"The level-headed view such as that expressed by Senator Holland must prevail."

The Tampa Morning Tribune in an editorial August 26, 1954, said:

"In the brief which he is preparing to submit to the Supreme Court by October 1, Attorney General Ervin asks the court to go slow in ordering actual compliance with its edict of May 17 outlawing segregation. Mr. Ervin said:

'My purpose in filing the brief is to try to show the court that Florida, from practical considerations, is not ready for desegregation immediately, but that if it must come eventually, it should come only after a reasonable period of time and then only on a county to county or local basis pursuant to administrative determinations made by local school authorities. It is entirely possible that if the court will authorize this course many of the situations will not be too difficult to solve, given time to work them out.'

"That, in our view, is sound sense and should appeal to the judgment of the high court. It is apparent that a change in the existing order can be effected only through careful and patient effort, on a local basis. Also it may prove necessary to have action by the Florida Legislature to properly implement the change. The essential issue is the dividing line between federal and state authority."

The St. Petersburg Times of August 27, 1954, reported a speech by County School Superintendent Floyd Christian of Pinellas County to a meeting of Negro school teachers, as follows:

"Pinellas County Negro teachers were urged as leaders of the community 'to work patiently, calmly and sensibly' on the segregation problem so that all can con-

tinue working together for the growth of the community...

"We live under the law and must follow the law. Rioting, hatred and action would wreck our school system and is not the answer. Florida must never try to abolish public education. Turning the schools into private institutions is certainly not the answer. Any such action would prove disastrous to the quality of education and in the end would be judged by the Supreme Court as being an effort to circumvent the provisions of the Constitution of the United States.

"What I am saying is in my opinion Florida should not try to circumvent the law. Any such action would encourage an attitude of general disregard for law and in the long run will only increase the difficulties without contributing anything toward the solution of the problem...

"There is another reason why this problem will have to be approached with education and understanding. I don't believe that here in the South, where you have had separate schools for nearly a hundred years, that an immediate court decision to stop it and integrate the students can be done successfully. I don't believe you can legislate the people into doing this, they will have to be led by a systematic plan of education and this, of course, will take time."

The Ft. Myers News-Press in an editorial August 28, 1954, said:

"A number of Fort Myers citizens have received by mail this week circular letters purporting to come from the Ku Klux Klan which attempt to fan the flames of racial intolerance over the school segregation issue and make a bid for Klan recruits.

"The letters enclose an application blank for membership in the Klan returnable to an Orlando post office box. Whether they represent a bona fide recruiting drive by the Klan or just an effort of some crackpot or promoter trying to cash in on the current anxiety over prospective desegregation in the schools, the re-

cipients have no way of knowing, although Orlando always has been a hotbed of Ku Kluxism and the application blank probably is genuine.

"There is nothing doubtful, however, about the hate literature enclosed with the KKK circulars. The fat envelopes—so bulky that most recipients had to pay an extra three cents postage due—were crammed with highly inflammatory articles against the Negro race and slanders against various public officials and individuals fit only for the sewer. In the delicate situation which now confronts both whites and Negroes arising from the Supreme Court anti-segregation ruling—a situation that calls for all the calmness and clear thinking that can be mustered—outpourings such as this are not only unhelpful but dangerous."

The Orlando Sentinel in an editorial August 19, 1954, said:

"As a result of a survey recently completed by an interracial committee appointed by the attorney general, it has been made perfectly clear that even in Florida many people of both groups are not ready to send their children to the same school together, and that law enforcement agencies are not prepared to enforce such laws or to prevent the violence which would arise under such circumstances.

"The problem varies from community to community just as it does from state to state and the difficulty increases in direct ratio to the number of Negroes present. It would be a relatively simple matter to enforce desegregation in a community where there would be only one or two Negroes in a classroom, as would be the case in most northern cities. It is not so simple where the numbers of the two races are more nearly equal.

"This happens to be the case in many of our smaller north and west Florida towns, as well as in most of the rural areas of South Carolina, Georgia, Alabama and Mississippi. In some Florida cities, however, particularly in South Florida, there are relatively few Negroes and the opposition to their admittance to white schools is not so prevalent.

"Clearly it would be unfair to expect public officials to overcome the problems of integration all at the same time without regard to the difficulties involved. The Supreme Court should take cognizance of the inherent differences among individuals as among communities and leave the problem of when desegregation can safely be accomplished to local authorities."

The Miami Herald in an editorial of May 24, 1954, said:

"Anticipating that the United States Supreme court might end segregation in the schools, as it did last week, Florida leaders have been quietly taking stock of the state's educational resources.

"They recognized that the change, when it came, would be the most momentous since the War Between the States, and no family would escape its effects.

"What this study showed was that Florida has made more progress in Negro education, probably, than any other state with segregation, and is in a better position to meet the challenge of the court ruling."

These meetings and examples of editorial opinion may appear insignificant but when considered in relation to the fact that they took place in a State which still has three counties where no Negroes have registered to vote (see page 178, Appendix A), and whose peace officers are overwhelmingly opposed to desegregation in any form (see Table 3, page 138, Appendix A), they should not be ignored. *We believe that any attempt to compel an immediate desegregation in Florida schools would constitute a shock treatment so drastic that any further efforts on the part of these and similar groups would be promptly nullified.* Such efforts on the part of citizens' committees of both races can only take place as voluntary manifestations of good citizenship. They cannot take place in an atmosphere of fear and coercion.

F. Regional Variations

One of the most important factors which has emerged from our study of the segregation problem in Florida is the clear indication of marked regional variations in the intensity of the feelings of the people.

The State of Florida is unlike other Southern states in one significant respect. Geographically it is large and sprawled out over an area of a thousand miles extending from Pensacola in West Florida to Key West on the southernmost tip.

Between these two extremes can be found startling differences in the social customs and traditions of the people inhabiting the various counties.

Generally speaking, the influx of people from northern states has tended to settle in South Florida and this has altered to some extent the social pattern of South Florida counties, whereas North and West Florida counties have remained to a large extent populated by people of Florida or Southern ancestry who cling to Southern traditions and customs.

It must be emphasized, however, that this type of generalization is apt to be misleading because counties and communities may be found in South Florida where the degree of racial differences in feeling may be even more pronounced than in the northern part of the state.

These variations indicate that there may be communities

in Florida where conditions are such that local school officials would feel justified in proceeding within a relatively short time to integrate the white and Negro schools. On the other hand, there are many counties, notably those having a large Negro population, where it is apparent that any attempt to bring about immediate desegregation would result in violence and bring the school system to a complete standstill.

These variations in community attitudes and conditions preclude the practicability of any overall, statewide detailed plan, time schedule or target date for desegregation which might be evolved. We believe that whatever plan and time schedule is adopted in each community must, if it is to be workable, have been produced through the efforts of the local school officials who understand the specific problems involved and who must be willing to undertake to make the plan work. We do not believe that the courts should undertake to perform the functions of local school boards and we do not believe that this Court should insist on a plan of action which, in its efforts to guard the rights of some, must necessarily forsake the rights of all others.

G. Discussion

In suggesting an affirmative answer to question 4B, we have attempted to take into consideration the wide range and complexity of the problem. We know that from its common-sense practical aspects a successful implementation requires the blending of the best administrative and judicial techniques over a reasonable period of time which will vary in each school district or county, dependent upon the circumstances. Admitted that segregation has been held unconstitutional as a class discrimination, that does not mean that transition to the actuality of non-segregated education can be accomplished immediately or without planning and preparation and administrative actions.

The public welfare of the segregated states is involved in the transition along with administrative details. It would be unwise not to permit the exercise of reasonable regulations under the police power during the transitional period in the interest of peace in the community and good order and safety in the schools. The white people of the segregated states have too long relied upon the doctrines expressed in *Plessy v. Ferguson, 163 U. S. 537, 16 S. Ct. 1138, 41 L. Ed. 256 (1896)* to be expected to accept complacently the new order. Our survey amply bears this out.

Therefore, we most earnestly and sincerely urge the Court to permit that degree of latitude necessary to the segregated states and the county school boards therein to bring about an effective gradual adjustment to integration so as to soften and ameliorate the transition and preserve peace and order in the communities and the

schools in the process and that these officials be accorded the discretion to make the transition successfully and *effectively* in good time and good order.

Even though it has been held the Negro child should not be discriminated against in his public education nor unduly postponed in his enjoyment of it, surely that right is not so absolute, so compelling in its nature, that reasonable administrative procedures necessary for the public welfare cannot be asserted during the transition period. If there ever was a condition which needs elasticity in the application of constitutional guaranties to meet it, certainly it is the transition period from the segregated school system to the non-segregated school system in the various schools of the South.

By a concurrent application of prudent and sensible administrative and judicial techniques the problem may eventually be solved. But the Court should always allow the states involved and their officials, both state and local, the opportunity to first work out the problem and accord to their determinations a wide degree of discretion and latitude in the integration. The Court has said in *Minersville School District v. Gobitis,* 310 U. S. 586, 60 S. Ct. 1010, 84 L. Ed. 1375, (1940), it would not make itself the school board of the country. That does not mean the Court, beginning with the court of first instance, would not always reserve the judicial authority to review and probe. It would exercise this authority where in proper cases duly brought it was alleged the county school board had not made the requisite effort in good faith to desegregate in line with appropriate criteria or factors which we believe the Court will outline in its implementation decision. Parenthetically and most earnestly, we urge the Court to accept the factors we have outlined, believing them to be essential to successful implementation in the light of problems involved.

Part Two

Specific Suggestions to the Court in Formulating a Decree

We do not suggest delay merely for the sake of delay itself. We do suggest that sufficient time be permitted for a gradual effective adjustment to desegregated schools to take place in each community.

The period of time required will vary in each community dependent upon its administrative problems and the attitude of its people. The length of this period of transition in each instance can only be determined by the local school authorities subject to the review of the courts of first instance when called upon to consider specific suits brought because of a disagreement with the school authorities over admission policies.

We do not believe that any court should at any time attempt to peremptorily compel school officials to integrate schools in a community when it is apparent that such action will create hostility and resentment to such a degree that the schools cannot be operated in an orderly manner.

We believe that any attempt to establish an overall specific plan for desegregation by the United States Supreme Court as a result of recommendations of a special master would be totally unrealistic and would in effect place this Court in the position of attempting to function as the county school board of the counties affected.

We believe that the courts of first instance should also avoid any attempt to exercise administrative powers normally delegated to school officials. They should not be

required to spell out in specific detail the means by which they would require a school district to comply with the new requirements of the law. Rather, let them leave to responsible local school authorities the task of drafting plans for transition, and then apply to each such plan presented in the course of litigation the test of good faith.

Widespread white hostility to immediate, enforced integration of the public schools is a fact of life in Florida, and is just as real a factor in considering the future of public education as school finance, school construction or any other.

We ask only this; that school officials not be deprived of the right to recognize local factors related to the welfare of public schools and to exercise the same discretion in dealing with the feelings of the people regarding segregation that they would exercise in dealing with any other local condition or problem that directly affected the proper operation of the public schools.

We urge, therefore, that the Supreme Court remand these cases to the courts of first instance—in all but one of these cases federal district courts—and that it vest in the courts of first instance broad discretionary powers to determine as findings of fact (1) what should be a reasonable time for transition in any given case, and (2) whether or not specific plans for compliance with the Court's general directive prepared by responsible local school officials measure up to the broad test of good faith.

We offer the following specific suggestions for the consideration of the Court in the formulation of its decree:

Specific Suggestions

I. It is suggested that the United States Supreme Court in its implementation decision or decree adopt the procedure contemplated in questions 4 (b) and 5 (d) as stated in the footnote in the Brown decision:

> "4 (b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"
>
> "5 (d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so, what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

II. It is suggested that the United States Supreme Court in its implementation decision in the Brown case direct that the courts of first instance consider all suits brought to gain admittance to a specific school and claiming discrimination because of color, in accord with the following general directions:

A. The petitioner must affirmatively show;

(1) That admission to the school in question was requested by the petitioner within a reasonable time before the beginning of the school term.

(2) That the petitioner resides within the limits set by normal geographic school districting of the school he seeks to enter.

(3) That admission to said school was denied by the local school authorities and that all other administrative remedies such as appeal to the State Board of Education (where provided by law) have been exhausted.

B. It is suggested that the court of first instance conduct hearings, take testimony, determine the merits of the petition and the answer thereto and the equitable reasons which may exist which would justify the school authorities in refusing to approve the petitioner's application for admission to the school in question. In conducting such proceedings, the court should consider:

(1) Evidence as to whether the state school authorities and legislature have had a reasonable amount of time to reorganize the legal provisions of the state school structure to comply with the Brown decision.

(2) Evidence of good faith on the part of the school authorities in seeking to comply with the Brown decision and integrate the public schools. Such evidence should include:

(a) Efforts previously made and in progress to overcome practical, administrative problems encountered in integrating schools as proclaimed by this Court.

(b) Efforts previously made and in progress to promote citizens' educational committees and interracial committees for the purpose of improving racial relations in the community and avoiding racial antagonisms in the schools.

(3) Evidence and recommendations submitted by interracial citizens' committees which may be organized pursuant to law for the purpose of assisting the local school authorities, or evidence and recommendations submitted by impartial survey and fact-finding teams which may be created by the State Board of Education pursuant to its administrative powers.

(4) Evidence of existing administrative problems

of integration which have not as yet been solved and which would jeopardize the efficient operation of the school system if the petitioner's application for admission was granted immediately.

(5) Evidence of such a strong degree of sincere opposition and sustained hostility on the part of the public to the granting of the petitioner's application, as to give the school authorities reasonable grounds to believe that immediate approval of the petitioner's application would cause a disruption of the school system or create emotional responses among the children which would seriously interfere with their education. Such evidence should be carefully analyzed by the court to determine its validity and all evidence of this nature which might appear to be simulated or fabricated for the purpose of continuing segregated schools in the community should be rejected.

(6) Evidence that the petitioner's application was made in good faith and not for capricious reasons. Such evidence should demonstrate:

(a) That the petitioner personally feels that he would be handicapped in his education, either because of lack of school plant facilities or psychological or sociological reasons if his application for admission is denied.

(b) That the petitioner is not motivated in his application solely by a desire for the advancement of a racial group on economic, social or political grounds, as distinguished from his personal legal right to equality in public school education as guaranteed by the 14th Amendment. This distinction should be carefully drawn. This Court has ruled that segregated schools are forbidden by the 14th Amendment because they may deprive the Negro of an equal opportunity in acquiring an education. During the process of desegregating schools it should always be kept in mind that the sole legal purpose of public schools is to educate. The public school system has never been permitted under Florida law to extend its activities into the

field of public welfare or related purposes. It is not the purpose or within the legal authority of the Florida public school system to provide a direct means of improving the social, political or economic status of any group or individual except as such improvement may in time result from education itself. Public schools are not intended to provide experiments in race relations or to use children as sociological guinea pigs in the solution of problems in many walks of life which adults have not been able to solve by other means.

III. It is suggested that based upon the testimony and evidence submitted, the court of first instance may either:

(A) Order that the petitioner's application for admission to the school in question be granted forthwith, if it appears that the petition was made in good faith and that there exist no reasonable grounds for delay on the part of the school board in approving the petitioner's application for admission.

(B) Dismiss the petition if it appears that it was not made in good faith and well founded in law according to the interpretation of the 14th Amendment by this court in the Brown case.

(C) Order the school authorities to hold the petitioner's application in abeyance for a reasonable period of time to allow for further adjustment to a single school system if necessary, with directions to the school authorities to proceed to overcome as soon as possible the practical or psychological and sociological factors which prevent an immediate approval of the petitioner's application.

If the latter alternative is found to be necessary by the court it should include in its order the following:

(1) Fix a time for rehearing of the petitioner's application by the court within a stated reasonable time at which hearing additional testimony and evidence will be received and the circumstances justifying delay in approving the petitioner's application for

admission will be re-evaluated by the court in the light of altered conditions and a supplemental order entered in the case in accord with the findings of the court.

(2) Direct the school authorities to formulate and submit to the court within a reasonable time a plan designed to overcome the practical and psychological obstacles which tend to prevent an immediate integration of the schools under their jurisdiction. The effectiveness of the plan submitted and the efforts which the school authorities have made in good faith to carry it out should be considered by the court on subsequent rehearing of the case in determining whether additional delay is justified in granting the petitioner's application for admission.

Part Three

Legal Authority of the Court to Permit a Period of Gradual Adjustment and Broad Powers of Administrative Discretion on the Part of Local School Authorities.

A. Judicial Cases Permitting Time

Many decisions of the United States Supreme Court and the State Supreme Courts have recognized the necessity for granting a reasonable time in which to comply with the decree of the Court to avoid hardship or injury to public or private interests.

The present decision requires more consideration of the problem of *time* and adjustment than in the earlier cases since it is apparent that it involves a vast problem of human engineering, as contrasted to previous delays for adjustment granted in anti-trust cases, nuisance cases, and similar cases where economic problems of great magnitude confronted the courts.

I. *United States v. American Tobacco Co., 221 U. S. 106, 31 S. Ct. 632, 55 L. Ed. 663 (1911).* Recognizing the need for adjustment to its remedies in dealing with the unlawful combinations under the Sherman Anti-Trust Act, the Court, in order to avoid and mitigate possible injury to the interest of the general public, decreed the commercial combination to be illegal; and directed the Court below to hear the parties, ascertain, and determine a plan or method of dissolution, and to recreate a condition in harmony in law. To accomplish this, the Court granted a reasonable period (8 months) to effectuate its decree, while prohibiting any enlargement of the corporation's monopoly during this period.

Briefly stated, six months, with a possible extension of

sixty days, was granted in which to work out a plan for dissolving a combination found to control the tobacco industry in violation of the Anti-Trust Act of July 2, 1890 *(26 State at L. 209, Ch. 647, USC Title 15, s1)*, and creating out of the elements composing it a condition which would not be repugnant to the prohibitions of the Act.

II. *In Standard Oil Co. v. U. S., 221 U.S. 1, 31 S. Ct. 502, 55 L. Ed. 619 (1910)*, the Court again recognized the need for *time* in putting into effect its decision. In this case Chief Justice White stated that the magnitude of the interests involved and their complexity required that six months be given in which to execute a decree for the dissolution of a holding company controlling the oil industry in violation of the Anti-Trust Act of July 2, 1890, and for the transfer back to the stockholders of the subsidiary corporations of the stock which had been turned over to the holding company in exchange for its own stock.

In the area of nuisance litigation, the Supreme Court has often recognized the need for a period of gradual transition in order to effectuate decisions. In the Case of *New Jersey v. New York, 283 U. S. 473, 75 L. Ed. 1176, 51 S. Ct. 519, (1931)*, the State of New Jersey sued New York City in the United States Supreme Court for an injunction restricting the dumping of New York City's garbage into the ocean off the New Jersey coast. Injunction was granted in the opinion by Butler, J., affirming a special master's report. A decree was entered, declaring that the plaintiff State of New Jersey was entitled to an injunction as sought in the complaint; *but that before* (italics supplied) an injunction was issued, a *reasonable time would be accorded* to the defendant, within which to carry into effect its proposed plan for the erection and operation of incinerators to destroy the waste materials which were being dumped off the New Jersey coast, or to provide other means to be approved by the decree for the disposal of such materials.

Reasonable time was a question of fact to be decided upon by the same special master, after hearing and evaluating all witnesses' testimonies from each party or witnesses which the master may select to be heard. The master was then to report to the court his findings and a form of decree. On a rehearing of the case on *December 7, 1931, (284 U. S. 585, 75 L. Ed. 506, 52 S. Ct. 120)* a decree was entered by the Supreme Court prohibiting any further dumping of refuse, etc., into the ocean off the coast of New Jersey. Said decree was to become effective on and after *June 1, 1933,* and progress reports were to be filed with the clerk of the Supreme Court on April 1 and October 1 of each year beginning April 1, 1932, setting forth the progress made in the construction of incinerator plants, etc., for the final disposition of garbage and refuse, and also the amount of material dumped at sea during the periods covered by such reports.

Provision was also made in the decree that upon the receipt of said reports, and on due notice to the other party, either party to the suit could apply to the Court for such action or relief with respect to the *time* allowed for the construction, or method of operation of the proposed incinerator plants, or other means of final disposition of garbage, etc., as may be deemed appropriate. In other words, the flexibility of the decree permitted frequent re-evaluation to promote the greatest justice to all parties.

On May 29, 1933 *(289 U. S. 712)* Mr. Chief Justice Hughes announced a new order, based on the failure of New York City to comply with the decree of December 7, 1931. The defendant asked that the time for taking effect of the injunction be extended from June 1, 1933 to April 1, 1934. It was ordered that these applications be heard on November 6, 1933, that E. K. Cambell be appointed Special Master, empowered to hear witnesses, issue subpoenas, take evidence offered by interested parties, and also such as he may deem necessary to show:

(A) What shall have been done by defendant city, up to September 15, 1933, and the time reasonably required to enable it to comply with the decree.

(B) The amounts spent by the plaintiff New Jersey to prevent harm to its beaches, waters, etc., subsequent to June 1, 1933, and the damages sustained by them as a result of New York's failure to comply with the decree.

The Special Master's findings were subject to consideration, revision, or approval by the Court.

On December 9, 1935 *(296 U.S. 259, 80 L. Ed. 214, 56 S. Ct. 188)*, Mr. Justice Butler announced a new decree modifying in effect the decree of December 4, 1933. The latter decree enjoined New York City from dumping refuse off the New Jersey coast, stipulating a five thousand dollars ($5,000.00) a day penalty for failure to comply. On October 7, 1935, New York City sought a modification of the decree, and asked for a petition to have New Jersey show cause why a ruling could not be made to the effect that ten miles (10) off shore dumping is satisfactory as to non-floating material, or, in the alternative, why the Court should not modify its decree so as to permit the defendant to dump non-floating sewage as aforesaid.

Defendant's motion for leave to file was granted.

It should be noted that the original decree was handed down in 1931 and continued modification took place for some four (4) years in order to effectuate the original decree. Recognition for additional time was given each time the case reappeared before the Court.

III. The Supreme Court again recognized the need for a calm period of gradual transition to effectuate its decree, in the Gaseous Nuisance Cases in which it took some nine (9) years to implement its decrees.

The first case was that of *Georgia v. Tennessee Copper Co., 206 U.S. 230, 51 L. Ed. 1038, 27 S. Ct. 618 (1907).* In this case the State of Georgia sought to enjoin the defendant copper companies from discharging noxious gases from their works in Tennessee over the plaintiff's territory. The State alleged that such discharges were destroying entire forest, orchard, and crop lands, and that irreparable injuries were being done and threatened in five counties of Georgia. A preliminary injunction was denied, but, as there were grounds to fear that great and irreparable damage might be done, an early day was fixed for the final hearing, and the parties were given leave, if so minded, to try the cases on affidavits. Mr. Justice Holmes held that if the State of Georgia adhered to its determination, there was no alternative to issuing an injunction, *after* allowing a *reasonable* time for the defendants to complete the structures then being built, and efforts the companies were making to stop the flow of fumes and gases into Georgia. The plaintiff Georgia was permitted to submit a form of decree on the coming in of the Court in the following October.

Eight (8) years later, on May 10, 1915, the Supreme Court again heard the same case, in the *State of Georgia v. Tennessee Copper Co.* and *Ducktown Sulphur, Copper, & Iron Co., Ltd., 237 U.S. 474, 59 L. Ed. 1054, 35 S. Ct. 631 (1915).*

This case is a continuation of the earlier one, supra (1907), in regard to the nuisance of gaseous fumes harming the property within the State of Georgia. In the earlier case, hope was entertained that some practical method of subduing the noxious fumes could be devised and by *consent,* the *time* for entering a final decree was enlarged. Both companies installed purifying devices. The original defendant, Tennessee Copper and Georgia, entered into a stipulation whereby the former undertook annually to supply a fund to compensate those injured by fumes from

its works, to conduct its plant subject to inspection in specified ways, and between April 10 and October 1, not to "operate more green ore furnaces than it finds necessary to permit of operating its sulphuric acid plant at its normal full capacity." The State of Georgia agreed to refrain from asking for an injunction prior to October, 1916, if the stipulation was fully observed. Ducktown Company and the State were unable to agree, and in February, 1914, the latter moved for a decree according a perpetual injunction. Consideration of the matter was postponed upon representation that conditions had materially changed since 1907, and leave was granted to present additional testimony "to relate solely to the changed conditions," if any, which may have arisen since the case was then decided. A decree was granted restraining the Ducktown Company from continuing to operate its plant other than upon the terms and conditions set out by the Court *(Decree set forth in 237 U.S. 678, 59 L. Ed. 1173, 35 S. Ct. 752 (1915)).*

A new decree was issued April 3, 1916 in *240 U. S. 650, 60 L. Ed. 846, 36 S. Ct. 465, (1916).* This decree modified the former decrees as to the escapement of fumes, as to records to be kept in regard thereto, and also as to expense of inspection and division of costs.

The three(3) cases, dealing with the problem of escaping nuisances, cover a span of nine (9) years (from 1907 to 1916). It illustrates how long a period is required to adjust to incorporeal changes and strongly suggests that human changes obviously require greater periods, since human emotions are not as easily controlled as are gaseous materials from sulphur and copper plants. Recognition of the need of calm planning in good faith to reconcile difficult problems has often been illustrated by the Court in contexts of economic and social changes as a result of its decisions.

IV. In *People of the State of New York v. State of New Jersey and Passaic Valley Sewerage Commissioners, 256 U.S. 296, 65 L. Ed. 937, 41 S. Ct. 492 (1921),* at page 313, Mr. Justice Clarke, in refusing to grant injunction relief against the operation of sewerage disposal by New Jersey into New York Harbor, wisely stated:

> "We cannot withhold the suggestion, inspired by the consideration of this case, that the grave problem of sewage disposal presented by the large and growing populations living on the shores of New York Bay is one more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of Representatives of the States so vitally interested in it than by proceedings in any Court however constituted."

This quotation strongly suggests the need for time to work out these difficult intangible relations, in an atmosphere of cooperation and reason, rather than a tremendous disruption of social and economic conditions.

V. In the case of *Martin Bldg. Co. v. Imperial Laundry Co., 220 Ala. 90, 124 So. 82,* the Supreme Court of Alabama recognized the need for time in the use of injunctive relief. In a suit by the owner of an office building to enjoin a laundry from emitting smoke over the complainant's premises, the basis of the suit was the discomfort to the building's tenants, endangering of their health, and the resulting loss of tenants. The question of the abatement of the nuisance by improved technological laundry methods had to be further considered before the Court would grant or refuse injunctive relief, in view of suggested means of reducing amount of smoke by use of stokers. This acted to delay the force of the injunctive relief sought.

B. Administrative Discretion Cases

The use of administrative discretion and its limits have often been spelled out by the Court in the areas of administrative agencies. The Court has consistently emphasized that supervision and discretion should lie with the administrative agencies in the conducting of their functons as economic and political governing boards. Such emphasis is closely related to the administrative discretion which should exist in school boards, also.

I. In *United States v. Paramount Pictures, 334 U. S. 131, 92 L. Ed. 1260, 68 S. Ct. 915, (1948),* Mr. Justice Douglas reviewed a decree in an injunction suit by the United States under the Sherman Act to eliminate or qualify certain business practices in the motion picture industry. A provision in the decree that films be licensed on a competitive bidding basis was eliminated by the Supreme Court *as not likely to bring about the desired end as involving too much judicial supervision to make it effective.* This elimination was held to require reconsideration by the district court of its prohibition of the expansion of theatre holdings by distributors and provisions for divesting existing holdings. The propriety of including in the decree a provision for voluntary arbitration of questions arising thereunder was indicated, and denial of applications for leave to intervene by persons challenging the eliminated provision for competitive bidding was upheld.

Mr. Justice Douglas was strongly opposed to the judiciary administrating industry, and favored voluntary arbitration: At page 163 he stated:

> "It would involve the judiciary in the administration of intricate and detailed rules governing priority, period of clearance, length of run, competitive areas, reasonable return and the like. The system would be apt to require as close a supervision as a continuous receivership, unless the defendants were to be entrusted with vast discretion. The judiciary is unsuited to affairs of business management; and control through the power of contempt is crude and clumsy and lacking in the flexibility necessary to make continuous and detailed supervision effective."

The implications of Mr. Justice Douglas's opposition to judicial administration of intricate and detailed rules in the economic field could readily apply to the social relationship and problems created by the recent holding in the Brown case.

II. Further evidence of the broad discretion that was permitted by the Supreme Court in administrative agencies is evidenced in the case of *Alabama Public Service Commission v. Southern Railway Company, 341 U. S. 341, 95 L. Ed. 1002, 71 S. Ct. 762, (1951).* A railroad, prohibited by state law from discontinuing trains without permission of the state public service commission was denied such permission on the ground that though the trains were being operated at a loss there was a public need for the service. Alleging that irreparable loss would result either from continued operation of the trains or from incurring the penalty imposed by state law for discontinuance without the commission's permission, the railroad sought and obtained an injunction in a federal district court against the enforcement of the statute.

The U. S. Supreme Court, through Chief Justice Vinson,

reversed the district court, and held that the federal court's exercise of such jurisdiction should, on considerations of comity, be withheld on the ground that the state law provided for review of the commission's order in the state courts and for its stay pending such review.

Some persuasive language in support of state administrative discretion appears at pages 347-348:

> "The Alabama Commission, after a hearing held in the area served, found a public need for the service. The court below, hearing evidence *de novo,* found that no public necessity exists in view of the increased use and availability of motor transportation. We do not attempt to resolve these inconsistent findings of fact. We take note, however, of the fact that a federal court has been asked to intervene in *resolving* the *essentially local problem* of balancing the loss to the railroad from continued operation of trains . . . with public need for that service . . . directly affected. . . ." (Italics supplied).

More support to the *finality* of the discretion of the commission is found on page 348:

> " . . . and whatever the scope of review of commission findings when an *alleged denial* of *constitutional* rights is in issue, it is now settled that a *utility has no right to relitigate factual questions* on the ground that constitutional rights are involved. *New York v. United States, 331 U.S. 284, 334-336 (1947). . . .*" (Italics supplied)

More directly in point, at pages 349-350 is found the following:

> " . . . as adequate state court review of an administrative order based upon predominantly *local* factors is available to appellee intervention of a federal court is not necessary for the protection of federal rights. Equitable relief may be granted, only when the District Court, in its sound discretion exercised with the 'scrupulous regard for the rightful independence of state

governments which should at all times actuate the federal courts,' is convinced that the asserted federal right cannot be preserved except by granting the 'extraordinary relief of an injunction in the federal courts.' Considering that 'few public interests have a higher claim upon the discretion of a federal chancellor than the avoidance of needless friction with state policies,' the usual rule of comity must govern the exercise of equitable jurisdiction by the District Court in this case...." (Italics supplied)

And again at page 351, "It is in the public interest that federal courts of equity should exercise their discretionary power to grant or withhold relief so as to avoid needless obstruction of the domestic policy of the states...."

III. Further evidence of the broad discretion permitted by the Supreme Court to state administrative agencies is found in the case of *Burford v. Sun Oil Co., 319 U. S. 315, 87 L. Ed. 1424, 63 S. Ct. 1098 (1943)*. In this case the Sun Oil Co. attacked the validity of an order of the Texas Railroad Commission granting the petitioner Burford a permit to drill oil wells on a small plot of land in the East Texas oil fields. The U. S. District Court for the western district of Texas dismissed the suit by the Company; the Circuit Court of Appeals reversed the District Court. The Supreme Court through Mr. Justice Black reversed the Circuit Court of Appeals, and affirmed the District Court.

The Supreme Court held that a federal equity court may properly decline to exercise its jurisdiction invoked because of diversity of citizenship of the parties and alleged infringement of constitutional rights; to determine the validity of a state commission order, made under the authority of a conservation statute, granting a permit to drill oil wells on certain property, adjacent to lands owned by the complainant, where the state has provided a uniform method for the formation of policy and determination of cases by

the commission and the state courts; and where the judicial review of the commission's decisions in the state courts is expeditious and adequate; and where intervention by the lower federal courts is likely to cause delay and conflicting interpretation of the state law, dangerous to the success of state domestic policies.

The Court, at page 320, explicitly states:

> "The primary task of attempting adjustment of these diverse interests is delegated to the Railroad Commission, which Texas has vested with 'broad discretion' in administering the law."

The Court points out that the Texas courts have the power of thorough judicial review of the decisions of the Railroad Commisson; and that the Texas courts are working partners with the Commission in the business of creating a regulatory system for the oil industry. The Commission is charged with *principal responsibility* for *fact finding* and for *policy making* and the courts expressly disclaim the administrative responsibility. On the other hand, orders of the Commission are tested for "reasonableness" by trial de novo before the state court, and the Court may on occasion make a careful analysis of all the facts of the case in reversing a Commission order. The state court may even formulate new standards for the Commission's administrative practice, and suggest that the Commission adopt them.

The Supreme Court recognized that the existence of problems throughout the oil regulatory field creates a possibility of serious delay which can injure the conservation program; and that it may be necessary to stay federal action pending authoritative determination of difficult state questions. It recognized that questions of state regulation of the oil industry so clearly involve basic problems of Texas policy that equitable discretion should be exercised to give the Texas courts the first opportunity to consider them.

IV Concrete evidence of the Supreme Court's adherence to complete administrative discretion is found in the case of *Far Eastern Conference, United States Lines Co., States Marine Corporation, et al. v. United States and Federal Maritime Board, 342, U. S. 570, 96 L. Ed. 576, 72 S. Ct. 492 (1952)*. The suit was brought by the government to enjoin the dual rate system established by an association of steamship companies known as the Far East Conference. The companies never submitted the rates to the Federal Maritime Board for approval, as provided for in §15 of the Shipping Act *(46 USC §814)*. The defense, that the issues involved were of such a technical nature calling for the application of administrative exercise as to make it improper to bypass the Board, was upheld by the Court through Justice Frankfurter.

It was held that the administrative agencies should not be bypassed by the Courts in cases raising issues of fact not within the conventional experiences of judges or in cases requiring the exercise of administrative discretion, even though the facts, after they have been appraised by specialized competence, serve as a premise for legal consequences to be judicially defined.

V. "But the courtroom is not the arena for debating issues of educational policy. It is not our province to choose among competing considerations in the subtle process of securing effective loyalty to the traditional ideals of democracy, while respecting at the same time individual idiosyncrasies among a people so diversified in social origins and religious alliances. *So to hold would in effect make us the school board for the country." Minersville School District v. Gobitis, 310 U.S. 586, 60 S. Ct. 1010, 84 L. Ed. 1375 (1940), at 310 U. S. 598* (Italics supplied).

Parenthetically, the Court, in this case recognizes its limitations in the abstract sciences, with this language at page 597:

> "The precise issue, then, for us to decide is whether the legislatures of the various states and the authorities in a thousand counties and school districts of this country are barred from determining the appropriateness of various means to evoke that unifying sentiment without which there can ultimately be no liberties, civil or religious. To stigmatize legislative judgment in providing for this universal gesture of respect for the symbol of our national life in the setting of the common school as a lawless inroad on that freedom of conscience which the Constitution protects, would amount to no less than the pronouncement of pedagogical and psychological dogma in a field where courts possess no marked and certainly no controlling competence."

Constitutional guarantees of personal liberty are not always absolutes. Government has the right to maintain public safety and good order.

Keeping the control of public education close to the local people is perhaps the strongest tradition in American education. One of the predominant characteristics of American education is the variation in local policies and procedures in terms of unique local conditions. This is in sharp contrast to the highly centralized national system of education of other countries.

VI. "Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses." *Cox v. New Hampshire, 312 U. S. 569, 61 S. Ct. 762, 85 L. Ed. 1049 (1941) at 312 U. S. 574.*

VII. Speaking of the 14th Amendment, the U. S. Supreme Court in *Barbier v. Connolly, 113 U. S. 27, 5 S. Ct. 357, 28 L. Ed. 923 (1885),* said at page 31:

> "But neither the amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, *education and good order of the people...*" (Italics supplied)

VIII. In *Euclid v. Ambler Realty Co., 272 U. S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926),* it said at page 387:

> "Regulations, the wisdom, necessity, and validity of which, as applied to existing conditions, are so apparent that they are now uniformly sustained, a century ago, or even a half century ago, probably would have been rejected as arbitrary or oppressive . . . while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet new and different conditions which are constantly coming within the field of their operation . . . Laws and regulations must find their justification in some aspect of the police power, asserted for the public welfare."

C. Remarks

The aforesaid summary shows the wise recognition by the Supreme Court in the past of the need for time in effecting certain economic changes in our society in order to allow a period of healthy adjustment in sensitive areas. The cases also show a recognition of the need for adequate *local* discretion in the same areas. This line of reasoning should be applied to the even more sensitive area of desegregation which presents a vast problem of human engineering to resolve the social changes sought.

Samuel Gompers, one of America's greatest labor leaders recognized this fact some years ago when he stated:

> "One fact stands out in bold relief in history of men's attempts for betterment. That is that when compulsion is used, only resentment is aroused, and in the end nothing is gained. Only through moral suasion and appeal to men's reason can a movement succeed."

Part Four

Considerations Involved in Formulating Plans For Desegregation

A. Changes in the Law

Dr. Rupert B. Vance, Professor of Sociology, University of North Carolina, past president of the American Sociological Society, writing in the Journal of Public Law, Emory University Law School, Vol. 3, Spring 1954, Number 1, page 42, says:

> "National prohibition offers an example of a change in law which did not carry through to change in the collective behavior and attitudes of society. In spite of our respect for the Constitution, resistance increased and law enforcement was insufficient to bring about social change. This resistance assumed the form of violations, as well as evasions, of the law. Under this situation it can be said that the 18th Amendment was repealed in order to preserve respect for the law. This occurred in spite of the fact that the initial change had the support of public opinion as represented in the (1) affirmative vote of legislatures of the states, and was implemented both by (2) federal legislation, as in the Volstead Act, and (3) supporting legislation in many states. For students of social change, the contrast with a decision of the Supreme Court is impressive.
>
> "Thus, while students of law realize that social change can be and has been implemented by legal enactment and judicial decision, it is also realized that resistance to social change is of many types. Here we can say that jurisprudence, as a social science, has shared in the responsibility of determining the extent to which any desired social change is enforceable by law. Laws may be violated, and they may be evaded. Evasion

carries the implication of driving a course through gaps in the law, if not actually breaking it. Important to the courts, to public order, and to the profession is the whole field of conflict of laws. Oftentimes, the change ordered by legal enactment and judicial decision is so limited in scope that no actual evasion is drawn upon to block social change. Some times modes of adjustment may exist within the choice of individuals and groups—alternatives sanctioned in legal codes. It is in this borderline between public and private spheres of life that the doctrine of social change is of most importance to students of jurisprudence. It must be remembered that issues will be decided, not on the basis of an assumed code of ethics, *but on the basis of what is enforceable within the system of legality.*" (Italics supplied)

B. Plans for Integration

The problem involves, among other things, the collective conscience or mores of our white citizens regarding segregation. That conscience simply stated, although of varying degrees of intensity, is that our people are not ready for desegregation. This was demonstrated conclusively by the survey which was made in Florida. This conscience is ingrained because it was nurtured and cherished throughout many generations as a way of life. It is deep-seated and its roots rest in fears of inter-marriage of the races, racial differences, superstitions, history, traditions and customs.

This community conscience until the Brown case had long years of legal sanction in the field of public education. Elimination of this legal sanction by no means eradicates the underlying collective conscience of the people in this field. *This attribute of the problem simply cannot be successfully solved overnight.*

This the Court undoubtedly appreciated by not making its desegregation decision immediately effective. Its questions and its delay of implementation indicate that it is conscious of what may be termed the equities of transition. The Court, we believe, is imbued with the need for gravity and for prudent concern in dealing with this collective conscience.

We think it realizes the need for social engineering, time, patience and community understanding. It senses the need for conditioning and education if implementation is ever to be a real success.

Free men are not automatons capable of being molded

and transformed forthwith by a new and revolutionary judicial concept which does not square with their collective conscience.

The enormity of the problem of compliance gives great pause. We do not deal with implementation of a decree against a single individual or even a minority. A successful response to the judgment requires reconciliation to it of a great majority of our people. The Court on its part needs for the enforcement of its decree the amelioration of time which is said to be a great Healer. It needs the rallying of those who will stand by the law of the land because it is such whether they agree with it or not and the patience of wise administration which eschews haste, precipitate action and premature procedures.

The Court stands not in need of the whip and the scourge of compulsion to drive our people to obedience, but rather the rational solution of time in which the loyalty, patience and understanding of the law-abiding will come forward and lead the way to peaceful, reasonable and successful compliance.

Not only to be considered is the need of reconciling this collective conscience to desegregation but others of importance to be considered include the safety of school children, the peace of the community, the mutitudinous administrative problems affected, the impact upon teachers' jobs, particularly Negro teachers', the transportation of school children, the revisions of laws and regulations, the redistricting of attendance areas, the reallocation of physical school plant facilities and others involved in the transition from a segregated school system to a non-segregated system. All require time, wise administration and patience for their solution.

Gradual effective adjustment to integration presupposes that there will be a plan. But because there is a wide variety of local conditions, no specific plan can be outlined which

would be acceptable under all conditions and in all communities.

We think integration must proceed in Florida on a county by county basis because of the fundamental differences in various areas of the state which we have attempted to demonstrate in this brief.

A great many plans for integration have been developed in Florida and other states and all of them have their adherents. A plan of gradual integration starting with the first grade and working on up through high school over a 12 year period is believed by some advocates to be the answer for their community but it is rejected in other places.

Another plan for beginning the integration process at the college level and gradually working down to the first grade can be supported by valid arguments, but it too is rejected by many educational leaders as being unworkable in some communities.

Other plans which have been advanced include a gradual reorganization of school attendance areas; designated schools whose students will be composed of volunteers from both races during the transition period; a simultaneous integration of all school grades over a period of time based on the scholastic level of the students as determined by examinations. These and many other plans are being considered by school authorities whose job it will be in the final analysis to devise a plan which will be accepted and will work in their particular school districts.

The one factor which all of these plans share in common is the need for *sufficient time* to carry them out and the one point on which agreement can be reached by school authorities who are willing to undertake a program of integration is that the plan adopted for their specific area must be unique in that it will take into consideration the exact problems of that area and no other.

If this planning and action is permitted by the Court, we believe that local school authorities should take into consideration two primary factors: first, the material aspects of integration which include the use of present school buildings, the construction of new buildings, transportation, teachers' jobs and assignments, school populations within attendance areas and the administration impracticabilities and inequities that would arise in these dislocations in any effort to effect a too hasty non-segregation; second, the intangible considerations including community thinking, customs, mores, overt acts that might result from the impact of premature integration, the scholastic standards of the schools and the feelings of children.

We realize that objection has been made to gradualism in seeking methods of integrating white and Negro schools, that delay might tend to create feelings of hostility and encourage organized opposition. The advocates of this theory apparently feel that the shock treatment is to be preferred and that if a difficult job has to be done, the quicker it is done, the better.

In this belief we are positive they are mistaken. Strong opposition already exists in the South to desegregation. It will be intensified in direct proportion to the amount of hasty precipitation and coercion that is applied.

Already there is springing up in our state opposition organizations, some of which through their literature encourage violence. Burning of crosses and circulation of hate literature are becoming more and more prevalent. But minimizing these manifestations of defiance are thousands of law-abiding citizens of both races, many influential newspapers and loyal organizations who are trying to meet the situation calmly and patiently. But their attitudes have always been buttressed on the assumption of gradualism and local autonomy. If that assumption is cut from under them by a decree of immediate desegregation or even a decree of a period of short delay which does not permit a

large degree of local determination, we frankly doubt whether we can save our public school system. This objection to gradualism may be valid in Northern states where segregation has been practiced but where the people as a whole do not share the intense feelings on racial differences which have become an ingrained part of the culture of the South.

There is no reason to think that sufficient delay in integration of the schools of Florida to allow for a period of gradual adjustment would create new problems or intensify those already existing.

The problems are already here and must be recognized realistically by anyone conscientiously seeking a solution. There is every logical reason to believe that any attempt to use the shock treatment of immediate compulsory integration of schools in Florida would only result in translating the present passive intellectual differences in thought and emotional feelings to an active, positive and violent physical resistance.

When all is said and done, it may be that about the best advice on the subject was contained in a speech by Governor David S. Walker of Florida in 1867 to a meeting of Freedmen in Tallahassee[1].

Governor Walker said:

> "The great question now to be solved, is whether two different races can live in peace together under the same government with equal political rights. In my reading of history, I do not remember any instance in which this has ever been done. But God has placed the work upon us and with His blessing we must try our best to accomplish it. In the first place, therefore, I say let each one of us of all colors resolve to cultivate kindly relations with one another and never allow our-

1. Semi-weekly Floridan, Tallahassee, Florida, April 23, 1867, page 2.

selves to be arrayed in hostility to each other—let us always speak kindly to and of one another. I have never known a man in my life who had the true principles of a Christian gentleman in him, who would wantonly wound the feelings of any human being, however humble."

Part Five

CONCLUSION

There are two ways in which the Brown decision may be viewed by history. First, it may be considered as a seismic shock which struck without warning and engulfed a large part of the nation in a tidal wave of hate and inflamed emotions and carried away a public school system which took half a century and billions of dollars to build, or

Second, it may be looked upon as a high goal which this Court has fixed for men of good will to strive to attain and which they may attain in due course if rational consideration is given to human frailty and faith is maintained in the slow but sure upward movement of democracy.

Many think that our democracy is now face to face with the toughest job in practical government it has ever had to tackle without going to war. Some way must be found to protect the constitutional rights of a minority without ignoring the will of the majority. We think the only answer is time and the patient efforts of those who value democracy more than their personal longings and private prejudices. We hope that this court will accept this answer.

RICHARD W. ERVIN
Attorney General of the State of Florida

RALPH E. ODUM
Assistant Attorney General, State of Florida

(Appendix A)

Results of a Survey of Florida Leadership Opinion on the Effects of the U. S. Supreme Court Decision of May 17, 1954 Relating to Segregation in Florida Schools

Introduction

As a result of the decision of the United States Supreme Court of May 17, 1954, declaring unconstitutional racial segregation in public education, Florida and other southern states are confronted with problems of tremendous gravity and complexity.

While it enunciated a new principle of law, the Court did not prescribe the manner in which this principle should be translated into action in the states and communities affected. Instead, it restored the cases to the docket for further argument as to the method of adjustment which should be called for in subsequent decrees, inviting the Attorneys General of states requiring or permitting segregation in public education to appear as *amici curiae*.

In anticipation of the preparation of a brief for submission in response to this invitation, the Attorney General of the State of Florida requested the assistance of social scientists and other educators in compiling facts concerning the problems which the State of Florida would encounter in complying with the decision of the Court.

This is their report.

RICHARD W. ERVIN

Attorney General

ATTORNEY GENERAL'S RESEARCH ADVISORY COMMITTEE FOR THE STUDY OF PROBLEMS OF DESEGREGATION IN FLORIDA SCHOOLS

The committee was chosen by the Attorney General to assist him in conducting a survey to determine leadership opinion among Florida citizens regarding problems created by the U. S. Supreme Court's decision of May 17, 1954, abolishing segregation in the public schools.

The individuals asked to serve on this committee were chosen on the basis of their professional standing in the field of education; their specialized knowledge and training which would be of value in conducting such a survey; and their reputation for civic-mindedness and impartiality. The committee selected Dr. Lewis Killian, Associate Professor of Sociology at Florida State University, to act as director of research and coordinator for the project. While certain parts of this report were written by Dr. Killian and others, the entire report and all its findings have been reviewed and approved by the entire membership of the committee.

Mr. Richard W. Ervin
Attorney General
(Ex Officio)

Dr. Sarah Lou Hammond
School of Education
Florida State University

Mr. Thomas D. Bailey
State Superintendent of Public Instruction
(Ex Officio)

Mr. Robert D. Gates
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Mr. Ralph E. Odum
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Dr. Ralph Eyman, *Dean*
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Dr. Gilbert Porter
Executive Secretary
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Dr. J. B. White, *Dean*
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Dr. Manning J. Dauer
Department of Political Science
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Dr. Don Larson
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Dr. George Gore, *President*
Florida Agricultural and Mechanical University

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Dr. Lewis M. Killian
Department of Sociology
Florida State University
(Coordinator of Research)

The Report and the Conclusions*

Just as the effects of segregation, held by the Court to be discriminatory, are essentially psychological, the problems of desegregation are also social and psychological as much as they are legal.

An eminent student of race relations in the South, Guy B. Johnson, has said, "*Anyone who thinks that the transition from segregation to racial co-education can be made without problems, tensions, and even personal tragedies is a fool. Anyone who thinks that the transition means the end of civilization is also a fool.*"[1]

The purpose of this study was to delineate as far as is possible the problems, the tensions and, perhaps, the tragedies, which might be expected to arise in the course of this transition in Florida communities. This was a fact finding, research study. There was no intent to predict whether this transition will take place nor to make value-judgments as to whether it should or should not occur.

Prediction of the problems which might arise if desegregation of public schools were undertaken in the near future are based upon four types of data. These are:

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* Prepared by Dr. Lewis Killian, Department of Sociology, Florida State University.

1. "The Impending Crisis of the South," *New South*, VIII, No. 5 (May, 1953), (Atlanta: Southern Regional Council), 5.

1. The expressed attitudes of various groups of leaders, both white and Negro, toward the Court's decision and toward the possible implementation of it in Florida.

2. An historical analysis of the way in which Negroes have availed themselves of a privilege from which state restrictions were removed by a similar federal court decision, the privilege of voting in primary elections.

3. An analysis of relevant information pertaining to school administration, instructional services, and the quality of education as they might be affected by desegregation.

4. The experience of other states and communities in which programs of desegregation have been undertaken.

In the study of human behavior it is impossible to ask all of the questions which are relevant to that behavior. The selection of questions always implies certain assumptions concerning the situation being studied, and these assumptions should be made explicit.

The basic assumptions of this study are:

1. That the Court will desire a minimum of intergroup conflict and public disorder in any program of desegregation which might be undertaken. On this assumption, information indicative of the likelihood of conflict and widespread disorder in various situations becomes highly important.

2. That expressed attitudes are to some extent and in certain types of situations indicative of later behavior. This is particularly important when it is the attitudes of occupants of key positions in the power structure of a group which are concerned.

3. That the attitudes of people in leadership, power, and prestige roles are of more importance as determinants of

social change than are the attitudes of larger numbers of people not occupying such roles.

4. That the behavior of people in one situation is to some extent indicative of the behavior of the same or different people in similar but not identical situations.

The conclusions of this study are based on the findings of several separate, but related, constituent studies which, together, constitute the general research project. Each study is presented in detail in a separate subsection of the report. The general conclusions, drawn from all of these studies, are found in the chapter preceding the detailed reports of the separate studies.

The sub-studies, in order of presentation, are:

1. An attitude-opinion poll, based on mailed questionnaires, of 9 white and 2 Negro groups of leaders throughout the state. (Page 113)

2. An attitude-opinion poll, based on personal interviews, of white leaders in 10 selected counties and Negro leaders in 8 of these counties. (Page 153)

3. An historical analysis of trends in Negro voter registration in Florida, 1940-1954. (Page 177)

4. An analysis of relevant information pertaining to school administration and instructional services as they might be affected by desegregation. (Page 185)

5. An intensive study, utilizing various methods, of leadership attitudes and opinions in a metropolitan area and a rural area in southeastern Florida. (Page 201)

GENERAL CONCLUSIONS

1. On the basis of data from all relevant sources included in this study, it is evident that in Florida white leadership opinion with reference to the Supreme Court's decision is far from being homogeneous. Approximately three-fourths

of the white leaders polled disagree, in principle, with the decision. There are approximately 30 per cent who violently disagree with the decision to the extent that they would refuse to cooperate with any move to end segregation or would actively oppose it. While the majority of white persons answering opposed the decision, it is also true that a large majority indicated they were willing to do what the courts and school officials decided.

2. A large majority of the Negro leaders acclaim the decision as being right.

3. Only a small minority of leaders of both races advocate immediate, complete desegregation. White leaders, if they accept the idea that segregation should be ended eventually, tend to advocate a very gradual, indefinite transition period, with a preparatory period of education. Negroes tend to advocate a gradual transition, but one beginning soon and lasting over a much shorter period of time.

4. There are definite variations between regions, counties, communities and sections of communities as to whether desegregation can be accomplished, even gradually, without conflict and public disorder. The analysis of trends in Negro registration and voting in primary elections, shows similar variations in the extent to which Negroes have availed themselves of the right to register and vote. At least some of these variations in voting behavior must be accounted for by white resistance to Negro political participation. This indicates that there are regional variations not only in racial attitudes but in overt action.

Regional, county and community variations in responses to questionnaires and interviews are sufficiently marked to suggest that in some communities desegregation could be undertaken now if local leaders so decided, but that in others widespread social disorder would result from immediate

steps to end segregation. There would be problems, of course, in any area of the state, but these would be vastly greater in some areas than in others.

5. While a minority of both white and Negro leaders expect serious violence to occur if desegregation is attempted, there is a widespread lack of confidence in the ability of peace officers to maintain law and order if serious violence does start. This is especially true of the peace officers themselves, except in Dade County. This has important implications. While it is true that expressed attitudes are not necessarily predictive of actual behavior, there seems little doubt that there is a minority of whites who would actively and violently resist desegregation, especially immediate desegregation. It has been concluded from the analysis of experiences with desegregation in other areas, "A small minority may precipitate overt resistance or violent opposition to desegregation in spite of general acceptance or accommodation by the majority."[2]

6. Opposition of peace officers to desegregation, lack of confidence in their ability to maintain law and order in the face of violent resistance, and the existence of a positive relationship between these two opinions indicates that less than firm, positive action to prevent public disorder might be expected from many of the police, especially in some communities. Elected officials, county and school, also show a high degree of opposition. Yet it has been pointed out, again on the basis of experience in other states, that the accomplishment of efficient desegregation with a minimum of social disturbance depends upon.

A. A clear and unequivocal statement of policy by leaders with prestige and other authorities;

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2. Kenneth B. Clark, "Findings," *Journal of Social Issues*, IX, No. 4 (1953), 50.

B. Firm enforcement of the changed policy by authorities and persistence in the execution of this policy in the face of initial resistance;

C. A willingness to deal with violations, attempted violations, and incitement to violations by a resort to the law and strong enforcement action;

D. A refusal of the authorities to resort to, engage in or tolerate subterfuges, gerrymandering or other devices for evading the principles and the fact of desegregation;

E. An appeal to the individuals concerned in terms of their religious principles of brotherhood and their acceptance of the American traditions of fair play and equal justice.

It may be concluded that the absence of a firm, enthusiastic public policy of making desegregation effective would create the type of situation in which attitudes would be most likely to be translated into action.[4]

7. In view of white feelings that immediate desegregation would not work and that to require it would constitute a negation of local autonomy, it may be postulated that the chances of developing firm official and, perhaps, public support for any program of desegregation would be increased by a decree which would create the feeling that the Court recognizes local problems and will allow a gradual transition with some degree of local determination.

8. There is a strong likelihood that many white children would be withdrawn from public schools by their parents and sent to private schools. It seems logical, however, that this practice would be confined primarily to families in the higher income brackets. As a result, a form of socio-economic class segregation might be substituted for racial segregation in education.

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4. Experience shows that when the steps listed above have been taken, predictions of serious social disturbance have not been borne out.

9. It is evident that a vast area of misunderstanding as to each other's feelings about segregation exists between the races. White leaders believe Negroes to be much more satisfied with segregation than Negroes are and Negro leaders believe that whites are much more willing to accept desegregation gracefully than whites proved to be. Hence a logical first step towards implementing the principle set forth by the Court, and one suggested by both whites and Negroes, would seem to be the taking of positive, cooperative steps to bridge this gap and establish better understanding between the two groups.

10. Although relatively few Negro leaders and teachers show concern about the problem, white answers indicate that Negro teachers would encounter great difficulty in obtaining employment in mixed schools. To the extent that desegregation might proceed without parallel changes in attitudes towards the employment of Negro teachers in mixed schools, economic and professional hardships would be worked on the many Negro teachers of Florida.

11. Since 1940, and particularly since 1947, the State of Florida has made rapid and steady progress toward the elimination of disparities between white and Negro educational facilities as measured by such tangible factors as teacher salaries, current expenditure per pupil, teacher qualifications, and capital outlay expenditure per pupil.

12. In spite of the current ambiguity as to the future of dual, "separate but equal" school facilities the State is proceeding with an extensive program of construction of new school facilities for both white and Negro pupils, with a recommended capital outlay of $370 per Negro pupil and $210 per white pupil. Both this and the previous finding indicate that, while these steps have been taken within the framework of a dual educational system, there is a sincere

desire and willingness on the part of the elected officials and the people of Florida to furnish equal education for all children.

13. Available achievement test scores of white and Negro high school seniors in Florida indicate that, at least in the upper grades, many Negro pupils placed in classrooms with white pupils would find themselves set apart not only by color but by the quality of their work. It is not implied that these differences in scores have an innate racial basis, but it seems likely that they stem from differences in economic and cultural background extending far beyond the walls of the segregated school, into areas of activity not covered by this decision.

14. Interracial meetings and cooperative activities already engaged in by teachers and school administrators in many counties demonstrate steps that can be, and are being taken voluntarily and through local choice to contribute to the development of greater harmony and understanding between whites and Negroes in Florida communities.

Leadership Opinion By Questionnaire ...and Conclusions*

Although all of the people of Florida would be affected, directly or indirectly, by any move to end racial segregation in the public schools, some groups have a more direct and intense involvement in the situation than do others.

People connected with county school systems such as school board members, school trustees, superintendents, principals, teachers and supervisors would play key roles in putting any plan for desegregation into effect. Police officers, judges and county attorneys would be required to deal with cases of conflict and disorder which might arise. Parents are deeply involved not only as parents but as voters and taxpayers. As moulders of public opinion newspaper editors, radio station managers and ministers have an important relationship to any developing social change. Legislators and county commissioners would be faced with the task of formulating new state and county policies relating to this significant legal and social change.

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* Prepared by Dr. Lewis Killian, Department of Sociology, Florida State University.

In an attempt to get at the attitudes and opinions of these important segments of the population, questionnaires were mailed to the following groups:

1. All members of the Florida Peace Officers Association.
2. School principals, white and Negro, and school supervisors.
3. Negro PTA presidents, white PTA presidents, council chairmen and board members.
4. School board members and school trustees.
5. County judges, circuit judges, state attorneys, county solicitors and county commissioners.
6. Newspaper editors.
7. Radio station managers.
8. Members of the state legislature.
9. Ministers (a 10 per cent sample of certain denominations).

Practical considerations precluded polling certain other groups. The large number of teachers, white and colored, in the state and the fact that so many would be away from home at the time of the survey made a poll of their opinions impractical. It was practical, however, and perhaps more important, to question principals and supervisors, as school people who work intimately with the teachers in positions of leadership and authority. Similarly, the parent group polled was limited to PTA officers because of the tremendous number of parents involved and the non-availability of any list from which a sample could be drawn.

The ministers presented a special problem. The size of the population of ministers, which could only be estimated, was obviously large. At the same time it was extremely difficult to obtain comprehensive mailing lists for even part of the multitude of denominations to which these ministers

might belong. Mailing lists were obtained for the following denominations: Baptist, Methodist, Episcopal, Roman Catholic, Presbyterian, and Assembly of God. Questionnaires were mailed to a 10 per cent sample of the clergymen on each of these lists. Forms were also sent to a sample of Negro Methodist and Baptist ministers, but the returns were too small for use. In many cases they were returned marked "Unclaimed" or "Moved, Left No Address."

The Questionnaires.

Nine different questionnaires were used in this survey. Questions designed to elicit the following information were included on all of them:

1. The position held by the subject and the section of the state in which he lived and worked.

2. The subject's personal feelings about the rightness of the Court's decision and action which should be taken as a result of it.

3. The subject's estimate of the likelihood of resistance to desegregation in his community, the forms this resistance might take, and the ability of law enforcement officers to maintain law and order in the event of serious violence.

The questionnaire sent to the peace officers sought also an estimate of the likelihood that peace officers would enforce school attendance laws for mixed schools. All other questionnaires included questions concerning the following additional items:

4. The subject's estimate of the feelings about the decision and its implementation of other groups in the state and in his community.

5. The subject's opinion as to the method which would be most effective in ending public school segregation.

6. Opinions as to the grades in which it would be easiest

to start admitting colored and white children to the same schools.

Finally, principals and supervisors, school officials, legislators and PTA officers were asked whether certain things which might constitute either aids or obstacles to desegregation might happen in the event schools are desegregated in the next few years.

Questionnaire Returns and Method of Analysis.

A total of 7,749 questionnaires were mailed. Time did not permit a follow-up wave, but an effort was made to increase returns by prefacing each form with a personal appeal from the Attorney General and by enclosing a stamped, self-addressed envelope.

Useable questionnaires returned number 3,972, 51.26 per cent of the number mailed. The number and percentage of returns for each group are shown in Table 1. The lowest percentage of returns is seen to be that for the Negro PTA presidents, 21.5 per cent. The rate of return for all groups may be regarded as satisfactory since it has been found that in mail polls usually less than 20 percent of the questionnaires are returned.[3]

Practical considerations, of which there are many in what is essentially "action research," precluded the use of standard techniques for control of the sample by ascertaining the characteristics of non-respondents. Hence extreme caution must be exercised in generalizing from these data to any population.

It is possible to speculate as to some of the reasons for non-returns. It is known that some forms did not reach the subject for one reason or another. Unfortunately

3. Katz, Daniel, and Hadley Cantril, "Public Opinion Polls," *Sociometry*, I (1937), 155-179.

237 questionnaires were returned too late for tabulation. In the case of refusals other possible reasons must be considered. In some groups, a relatively low degree of education may have characterized persons who did not respond. It is known that in some cases public officials, particularly judges, failed to reply because they felt it was unethical for them to answer such an inquiry, even though anonymity was promised them. Some questionnaires were returned not completed but with a brief comment. The nature of many of these comments suggests that many of the white subjects who refused to respond were violently opposed to desegregation.

On the basis of these speculations, it seems likely that the prevalent bias of white non-respondents is in the direction of opposition to the Supreme Court's decision and to attempts to implement it. In the case of Negroes, it is more likely that distrust of the motives of the research and fear of expressing their opinions were the causes of failure to reply.

All questions were of the check-list type. Questionnaires were coded, punched on cards, and machine tabulated.[4] For purposes of analysis, the subjects were regarded as populations not necessarily representative of any larger populations. Hence percentages are presented but no tests of statistical significance have been made. Conclusions are based, therefore, only upon gross differences in responses.

Even though these respondents cannot be regarded as a representative sample, the nature of their selections makes them important as groups. In spite of its scientific limitations, this poll constitutes the most comprehensive

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4. Statistical work was done by the Sociology Research Laboratory of the Florida State University, under the direction of Prof. Robert McGinnis and Dr. John M. Haer. All responsibility for interpretation of the results is assumed by the Research Advisory Committee, however.

and extensive assessment of public opinion in Florida through the use of scientifically devised instruments that is available. The fact that approximately one-half of such groups of leaders, in the case of whites, and approximately one-third, in the case of Negroes, expressed the opinions indicated below is of itself important.

Findings.

Bearing in mind the caution which should be used in generalizing to larger populations, the following conclusions may be drawn from the responses of those subjects who did return questionnaires:

1. White groups differ greatly from each other in their attitudes towards the Court's decision, ranging from nearly unanimous disagreement to a slight predominance of favorable attitudes.

In Table 2 there can be seen the percentages of respondents in each group who selected each of the choices indicative of his personal feelings. Table 3 shows combinations of these choices into categories of "Agreement," "Neutral," and "Disagreement." From these tables it can be seen that peace officers are overwhelmingly opposed to the principle that segregation should be ended. On the other hand, a slight majority of white principals, supervisors and ministers indicate agreement with the principle established by the court, although they vary in their opinions as to when it should be implemented. Other groups ranking high in disagreement with the decision are county officials, school officials and white PTA leaders.

2. White groups also differ from each other in willingness to comply with whatever courts and school boards decide to do regardless of their personal feelings.

In Table 4 combinations of choices shown in Table 2 are presented to show willingness to comply with official policy or intention to resist or refuse to cooperate. In this case elected officials, including county officials, school officials, and legislators, rank high in intention to oppose action to bring about desegregation, as do white PTA leaders. White principals and supervisors rank very low in intention to oppose desegregation.

3. Peace officers are the white group most opposed to desegregation. (Table 3).

4. Almost no whites believe that desegregation should be attempted immediately. (Table 2).

5. A large majority of both Negro groups are in agreement with the Court's decision declaring segregation unconstitutional. (Table 3).

6. While only a small minority of both Negro groups believe that desegregation should be attempted immediately, an even smaller minority would oppose attempts to bring about desegregation or refuse to cooperate. (Table 2).

7. Only a minority of whites in all groups believe that opponents of desegregation would resort to mob violence in trying to stop it. A larger proportion, but still a minority, believe that serious violence would result if desegregation were attempted in their community in the next few years.

Table 5 shows the predictions of the occurrence of mob violence and serious violence by all groups. It is evident that "mob violence" and "serious violence" do not mean exactly the same thing to the subjects. It may be noted that the peace officer group ranks highest in percentage predicting both mob violence and serious violence.

8. A yet smaller minority of both of the Negro groups

anticipate mob violence or serious violence as a result of steps towards desegregation. (Table 5).

9. The majority of all white groups are not sure that peace officers could cope with serious violence if it did occur in their communities, replying either "No" or "Don't Know" to the question.

Table 6 shows the percentage of each group replying either "No" or "Don't Know" to the question, "Do you think the peace officers in your community would be able to maintain law and order if serious violence is started?" Again it may be noted that the peace officer group ranks highest in percentage showing doubt as to the ability to avoid or minimize violence.

10. A much smaller proportion of both Negro groups express doubts as to the ability of law enforcement officials to deal with serious violence. (Table 6).

11. The majority of most of the white groups believe that peace officers could maintain law and order if minor violence occurred.

Table 7 shows the percentage of respondents in each group who answered "Yes" to the question, "Do you think the peace officers in your community would be able to maintain law and order if minor violence is started?" The white PTA leaders differed markedly from other groups, only 34.13 per cent answering "Yes."

12. The Negro groups did not differ greatly from the white groups in the proportion believing that police could cope with minor violence. (Table 7).

13. Only 13.24 per cent of 1669 peace officers believe that most of the peace officers they know would enforce attendance laws for mixed schools.

14. A majority of the members of all white groups except peace officers, who were not asked; radio station managers;

and ministers, believe that most of the people of Florida and most of the white people in their communities disagree with the Court's decision.

Table 8 shows the percentage of the 10 groups asked to assess the feelings of other people who felt that most of the members of the groups about which they were asked disagreed with the decision.

15. In the five white groups asked, from one-fourth to one-half of the respondents believed that most of the Negroes in their community were opposed to the desegregation ruling. (Table 8).

16. A much smaller proportion of both Negro groups believe that most of the people of Florida, most of the whites in their community, and particularly the Negroes in their communities are in disagreement with the principle of desegregation. (Table 8).

It was seen earlier that only a small minority of the Negro respondents personally disagreed with the decision. It may be seen now that only a small minority of these Negroes think that other Negroes in their communities are in disagreement with the court. Furthermore, a much smaller proportion of Negroes than of whites think that most white people in Florida are in favor of segregation as a legal principle.

17. Only a small minority of all groups, white and Negro, believe that immediate assignment of children to schools on the basis of geographical location rather than race would be the most effective way of ending public school segregation.

Table 9 shows the percentage of each of 8 groups choosing as the most effective method immediate desegregation, a very gradual transition, and either or both of two gradual but relatively early methods of ending segregation. While the peace officers were not asked this

question, their answers to the question on "personal feelings about the decision" (Table 2) indicate almost unanimous opposition to immediate desegregation.

18. All groups think a gradual program of desegregation would be most effective. Negroes, however, prefer that the process start within the next year or two with immediate, limited integration much more frequently than do whites. The whites prefer a very gradual transition with no specified time for action to begin. (Table 9).

19. Whites who expressed an opinion believe that the primary grades and the colleges are the levels on which desegregation could be initiated most easily. On the other hand, almost as many Negroes believed that segregation should be ended on most or all grade levels simultaneously as believed it should be ended first at the lowest and highest grade levels.

20. The maintenance of discipline in mixed classes by Negro teachers is regarded as a potential problem by a majority of white principals, supervisors and PTA leaders. A much smaller proportion of Negroes regarded this as a problem, with a majority of Negro principals believing that colored teachers could maintain discipline in mixed classes.

Table 11 shows the percentage of each group queried as to possible problems who indicated definite belief that certain things would or would not happen, thereby creating problems for mixed schools.

21. A majority of all white groups believe that white people would resist desegregation by withdrawing their children from the public schools, but a much smaller proportion of Negroes, less than a majority, believe that this would happen. (Table 11).

22. Almost two-thirds of white school officials—superintendents, board members, and trustees—believe that ap-

plications of Negroes to teach in mixed schools would be rejected. (Table 11).

23. Nearly three-fourths of school officials believe that it would be difficult to get white teachers for mixed schools. (Table 11).

24. Almost half of school officials and a little over 40 per cent of white PTA leaders believe that the people of their communities would not support taxes for desegregated schools, but only about 20 per cent of Negro PTA leaders believe that such support would not be forthcoming. (Table 11).

25. In the case of all potential problems on which both Negroes and white were questioned a smaller proportion of Negroes than of whites indicate belief that problems would arise as a result of desegregation. (Table 11).

26. In the case of peace officers there is a positive relationship between personal disagreement with the decision and lack of confidence in the ability of peace officers to cope with serious violence. There is an even higher positive relationship between belief that segregation should be kept and belief that peace officers would not enforce school attendance laws for mixed schools.

Table 12 shows the number of peace officers who feel that the police could or could not maintain law and order if serious violence occurs, according to their attitude towards the decision and its implementation. Table 13 shows belief as to whether peace officers would enforce school attendance laws by attitude towards the decision. The officers who answer "Don't know" to these questions are omitted from these tables. While peace officers were asked what they thought *other* law enforcement officials could or would do and were not asked what they themselves would do, it is evident that these subjects are projecting their own feelings and, perhaps, their intentions into other peace officers.

Regional Variations.

The responses to certain items of the two largest groups polled, the peace officers and the white school principals and supervisors, were analyzed by region of the state in which the respondents lived. The 67 counties of Florida were grouped into 8 regions defined by social scientists at the Florida State University in *Florida Facts.*[1] These regions and the counties each includes are:

Region	*Counties*
I	Bay, Escambia, Gulf, Okaloosa, Santa Rosa (Extreme northwest Florida).
II	Baker, Calhoun, Citrus, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Suwannee, Taylor, Wakulla, Walton, Washington. (Northwest and north central Florida).
III	Alachua, Bradford, Clay, Putnam, Union. (Northeast Florida, inland).
IV	Lake, Marion, Orange, Osceola, Polk, Seminole, Sumter. (Central Florida, inland, largely rural).
V	Brevard, Duval, Flagler, Indian River, Nassau, St. Johns, Volusia. (Northeast and Middle Florida coastal region, includes Jacksonville metropolitan area).
VI	Charlotte, Collier, Hillsborough, Lee, Manatee, Pasco, Pinellas, Sarasota. (Southwest coastal, includes Tampa-St. Petersburg, Bradenton-Sarasota metropolitan area).
VII	DeSoto, Glades, Hardee, Hendry, Highlands, Okeechobee. (South central, inland, rural, many migrant farm laborers).
VIII	Broward, Dade, Martin, Monroe, Palm Beach, St.

1. Tallahassee, Florida: School of Public Administration, The Florida State University.

Lucie. (Southeast coastal, contains Miami metropolitan area and some migratory labor areas).

Clear-cut regional variations in attitudes and opinions are found to exist, as is indicated by the following findings:

27. Although the majority of peace officers in all regions feel that segregation should be kept, the percentage feeling so varies from 83 per cent in two regions to 100 per cent in one region.

Personal feelings of peace officers about the decision are presented, by region, in Table 14. The variation in the number of respondents in the different regions seems to be explainable in terms of the number of counties in the different regions and the size of population. While it was impossible to ascertain the number of questionnaires mailed to each region, the distribution of returns of peace officer questionnaires approximates the distribution of population by region. It should be noted that Region VII ranks highest in percentage of peace officers who oppose desegregation, while Regions I and VIII rank lowest.

28. The percentage of white principals and supervisors who are in disagreement with the decision varies from 20 per cent to 60 per cent in different regions.

The percentage of white principals and supervisors agreeing and disagreeing with the decision, by region, is shown in Table 15. Again Region VII ranks highest in amount of opposition and Region VIII ranks lowest.

29. A large majority of white principals and supervisors in all regions indicate that they would comply with the decision regardless of personal feelings, but the percentage varies from 76 per cent in Region VII to approximately 94 per cent in Regions VI and VIII. (Table 16).

30. The percentage of peace officers predicting mob violence as a method of resisting desegregation varies from

20 per cent in Region VIII to nearly 63 per cent in Region VII. (Table 17).

31. Percentages of both peace officers and white principals and supervisors predicting serious violence in the event desegregation is attempted vary widely between some regions. (Table 18).

32. The majority of both peace officers and white principals and supervisors in all regions doubt that the police could maintain law and order if serious violence occurred, but there are some regional variations. (Table 19).

Responses of Legislators.

Although the 79 members of the state legislature who returned questionnaires constitute almost 45 per cent of the 176 legislators and legislative nominees to whom the forms were sent, generalizations to the entire membership of the legislature on the basis of their responses are entirely unwarranted. Any attempt to predict the action of the legislature at its next session would be even more presumptuous. The responses of these legislators to two special questions asked of them are presented below as a matter of interest, however.

The legislators were asked to indicate which of five possible courses of action should be followed at the next session of the legislature. The percentage checking each course, and the details of the five courses of action, are shown in Table 20.

The legislators were also asked whether they believed that there is any legal way to continue segregation in Florida Schools indefinitely. Of the 79 respondents, 34.20 per cent replied "Yes", 25.31 per cent replied "No", and 39.32 per cent answered "Don't Know", or gave no answer.

CONCLUSIONS

1. It is evident that white respondents drawn from different areas of leadership vary sharply in their feelings about the rectitude of the Supreme Court's decision of May 17, 1954. At least this small, but not unimportant, segment of leaders in Florida is far from unanimous in allegiance to the principle of segregation in public education.

2. There are definite regional variations in attitudes towards the decision, in predictions of the likelihood that serious violence may occur if desegregation is attempted, and in confidence in the ability of the police to maintain law and order if serious violence does occur.

3. A majority of all groups except Negro principals do not feel confident that the police in their communities could cope with serious violence. This is particularly true of the peace officers themselves. At the same time, serious violence is anticipated by only a minority of all groups, although by almost 50 per cent of the peace officers.

4. Withdrawal of white children from the public schools, the maintenance of discipline in mixed classes by Negro teachers, refusal to employ Negro teachers for mixed schools, and difficulty in obtaining white teachers are the outstanding potential problems found to be expected.

5. It is evident that the white and Negro groups view the decision and the problem which desegregation might create quite differently, and that they do not understand each other's attitudes. The majority of the whites are, in various degrees, opposed to the decision; the Negroes are in favor of it. Yet the whites believe that the Negroes are opposed to desegregation to a much greater extent than those Negro groups polled are found to be. Furthermore, the white and Negro groups assess Negro opinion differ-

ently, a much larger proportion of whites than Negroes believing that most Negroes prefer segregated schools.

The whites view the effecting of desegregation as a much more difficult and dangerous problem than do the Negroes, many more of them foreseeing serious problems and even violence. On the other hand, the Negroes have more confidence in the ability and the willingness of the whites to adapt to desegregation than do the whites themselves.

6. The majority of all groups, white and Negro, believe that desegregation should be put into effect gradually rather than abruptly and immediately. More Negroes than whites, however, are in favor of early integration on a limited scale and beginning in the next year or two. The whites favor a more indefinite and remote form of gradualism, if they will countenance the idea of desegregation at all.

7. The existence of a positive relationship between the attitudes of peace officers towards the decision and their predictions of the inability of police to control serious violence suggests the existence of a tendency to project their own feelings into situations which might arise and into other persons involved. Such highly subjective predictions are very likely to be indications of what the respondent himself would do, or feels he could do, in the situation. Such predictions might very well take on the character of "self-fulfilling prophecies."[2] If police officers do not believe that they or others would be able to maintain law and order if serious violence occurs, the likelihood that they will attempt wholeheartedly to do so is accordingly reduced.

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2. An outstanding American sociologist, Robert K. Merton, has defined the "self-fulfilling prophecy" as a "false definition of the situation evolving a new behavior which makes the originally false conception come true." See his article, "The Self-Fulfilling Prophecy," *The Antioch Review*, VIII (Summer, 1948), 193-210.

SAMPLE QUESTIONNAIRE

COUNTY SUPERINTENDENTS, SCHOOL BOARD MEMBERS, SCHOOL TRUSTEES:

1. In what county do you serve?.....

2. How long have you served in public school work? (Check one)
   1)—less than 2 years; 2)—3-4 years; 3)—5-8 years; 4)—9-12 years; 5) over 12 years.

3. Check the sentence that most nearly describes your feelings toward the Supreme Court decision declaring segregation in public schools unconstitutional:
   1)—Firmly in favor of the decision, and believe that schools should be immediately opened to both races throughout Florida.
   2)—Firmly in favor of the decision; feel schools should be gradually combined, taking into consideration places which need more preparation.
   3)—Feel that such a decision should have been made eventually, but believe we are not ready for it. Feel we must move very slowly and cautiously.
   4)—Neither in favor of nor against the decision; will agree with whatever the courts and the school officials do.
   5)—Against the decision, but will agree with whatever the courts and school officials do.
   6)—Firmly against the decision; will not cooperate in ending public school segregation.
   7)—Firmly against the decision; will actively oppose any attempt to end segregation in Florida schools.

4. .....Which one of the above statements do you think describes the feelings of most of the people in Florida? (Write the answer in the blank)

5. .....Which describes the feelings of most of the school teachers and administrators in your county?

6. .....Which describes the feelings of most of the white parents in your county?

7. .....Which describes the feelings of most of the colored parents in your county?

Suppose that in the next few years the court ordered school officials to admit colored and white children to the same schools.

8. Do you think anyone in your community would try to stop this? Yes..... No.....

9. If they did, what would they do? (Check your answers)

   1)—Petition to stop combining schools
   2)—Hold protest meetings
   3)—Keep their children home from school
   4)—Start individual violence
   5)—Take part in mob violence

10. Would you resign rather than carry out such court order? Yes..... No..... Don't know.....

11. Do you think there would be violence in your community if colored and white children are admitted to the same schools in the next few years? (Check one)

   1)—Serious violence 3)—No violence
   2)—Minor violence 4)—Do not know

Do you think your peace officers would be able to maintain law and order if: (Check yes, no, or don't know)

12. Serious violence is started? 1).....Yes 2).....No 3).....Don't know

13. Minor violence is started? 1).....Yes 2).....No 3)..... Don't know

14. Check the method you believe would be most effective in ending public school segregation:

   1)—Immediate action to assign all children to school on basis of geographical location rather than race.

   2)—Keeping existing school boundaries for the time being, but immediately letting children who want to, go to the closest school regardless of race.

3)—A one or two year period of preparation before any schools are integrated.

4)—A very gradual transition over a period of years.

15. In what grades do you think it would be easiest to start admitting colored and white to the same schools? (Check your answer)

1)—Grades 1, 2 and 3
2)—Grades 1 through 6
3)—High school
4)—All grades 1 through 12
5)—College and university
6)—Don't know

Suppose in the next few years a few colored children wanted to go to the nearest school, a white school. What do you think would happen: (Check yes, no, or don't know)

	Yes	No	Don't Know
16. Would the School Board admit them readily?	.....	.....	.....
17. Would the School Board admit them only to certain schools?	.....	.....	.....
18. Would the School Board admit them if a court ordered it?	.....	.....	.....
19. Would the School Board try to fight a court order?	.....	.....	.....

Suppose schools are integrated in the next few years. What do you think would happen? (Check yes, no or don't know)

	Yes	No	Don't Know
20. Would it be harder to get white teachers?	.....	.....	.....
21. Would it be harder to get colored teachers?	.....	.....	.....
22. Would applications of colored teachers to teach in mixed schools be accepted?	.....	.....	.....
23. Would many white teachers treat colored children unfairly?	.....	.....	.....
24. Would many colored teachers treat white children unfairly?	.....	.....	.....
25. Would colored teachers be able to discipline white children?	.....	.....	.....
26. Would higher school taxes be needed for the integrated schools at first?	.....	.....	.....

27. Would your community support taxes for integrated schools?	.....	.....	.....
28. Would school bus drivers treat colored children fairly?	.....	.....	.....
29. Would school bus drivers encourage white students to treat colored children fairly?	.....	.....	.....
30. Are there any accredited private schools in your community other than kindergartens?	.....	.....	.....
31. Would people try to start private schools?	.....	.....	.....

32. If you like, comment on the problems the Supreme Court decision brings, and make any suggestions, using back of this sheet.

SAMPLE QUESTIONNAIRE

FLORIDA PEACE OFFICERS:

1. Check the position you hold:

—Deputy Sheriff —Constable
—State Highway Patrolman —Town Marshal
—City Chief of Police —Other
—City Policeman

2. In what county do you serve?.....

3. The U. S. Supreme Court recently declared segregation in public schools unconstitutional. Which do you think: (Check one)

1)—That segregation in schools should be kept
2)—That schools should be gradually opened to both races over a period of years?
3)—That colored children who want to go to white schools should be admitted immediately?

4. Suppose that in the next year or two the Court ordered school officials to admit colored and white children to the same schools.

a. Would anyone in your community try to stop this? Yes..... No.....

b. If they did, what would they do? (Check your answer)

1)—Petition to stop combining schools
2)—Hold protest meetings
3)—Keep their children home from school
4)—Start individual violence
5)—Take part in mob violence

5. Would there be violence in your community if colored and white children are admitted to the same schools? (Check one)

1)—Serious violence
2)—Minor violence
3)—No violence
4)—Do not know

a. Would your existing law enforcement staff be able to maintain law and order if

1) *serious* violence is started

a)—Yes
b)—No
c)—Do not know

2) *minor* violence is started

a)—Yes
b)—No
c)—Do not know

6. Would most of the peace officers you know enforce school attendance laws for mixed schools? (Check one)

1)—Yes
2)—No
3)—Do not know

7. If you want to say more or make suggestions about law enforcement and segregation, please use the back of this sheet.

TABLE 1

QUESTIONNAIRES SENT AND RETURNED, BY GROUPS

Group	Number Sent	Number Returned	Per Cent Returned
Peace Officers	3200	1669	52.16
Principals and Supervisors (white)	1216	771	63.40
PTA Leaders (white)	751	375	49.93
Newspaper Editors	219	118	53.88
Radio Station Managers	78	54	69.23
County Officials	533	230	43.15
School Officials	500	309	61.80
Legislators	176	79	44.89
Ministers	191	101	52.89
Negro Principals	485	180	37.11
PTA Leaders (Negro)	400	86	21.50
TOTAL	7749	3972	51.26

TABLE 2

PER CENT EXPRESSING VARIOUS

Groups and Number	1	2	3	4
Peace Officers (N-1669)	.5	9.2		
Principals and Supervisors (W) (N-762)	.4	13.2	38.4	4.9
PTA (W) (N-375)				
Editors (N-54)	.8	14.4	33.9	4.2
Radio Station Managers (N-54)	1.8	14.8	24.0	7.4
County Officials (N-224)		2.7	18.3	.9
School Officials (N-309)		2.9	20.0	.6
Legislators (N-79)		7.5	22.8	2.5
Ministers (N-101)	1.0	34.6	26.7	4.0
Principals, (N) (N-177)	11.9	55.4	11.3	8.5
PTA Negro (N-86)	12.8	44.2	8.1	5.8

* The attitudes indicated by number are as follows:

1. Firmly in favor of the decision; believe that schools should be immediately opened to both races. (For peace officers, "Colored children who want to go to white schools should be admitted immediately.")
2. Firmly in favor; feel schools should be gradually combined, taking into consideration places which need more preparation. (For peace officers, "Schools should be gradually opened to both races over a period of years.")
3. Feel that such a decision should have been made eventually, but believe we are not ready for it. Feel we must move very slowly and cautiously.
4. Neither in favor of nor against the decision; will agree with whatever courts and school officials do.

ATTITUDES TOWARDS DECISION, BY GROUPS

Attitude*							
5	6	7	8	9	10	11	Total
				89.3		1.0	100.0
26.8	4.9	7.9	.8	.9	1.4	.4	100.0
20.0	14.4	29.3	.8	2.4	1.1	1.6	100.0
16.1	6.8	16.1	.8	3.4	2.5	.8	99.8
20.4	11.1	11.1	1.8		1.8	5.6	99.8
22.8	12.0	30.4		5.8	3.1	4.0	100.0
21.7	9.7	34.6		4.9	2.9	2.6	99.9
16.4	5.1	38.0	1.3	5.1		1.3	100.0
8.0	10.0	11.9		2.0		1.0	99.2
1.1	1.1		5.6	1.7	2.2	1.1	99.9
2.3	4.6	4.6	5.8	1.2	5.8	4.6	99.8

5. Against the decision, but will agree with whatever courts and school officials do.
6. Firmly against; will not cooperate in ending segregation.
7. Firmly against; will actively oppose any attempt to end segregation.
8. Any combination of 1, 2, or 3 indicating agreement with decision.
9. Any combination of 5, 6, or 7 indicating disagreement with decision. (For peace officers, "Segregation in schools should be kept.")
10. Any other combination.
11. No information.

TABLE 3

PER CENT AGREEING OR DISAGREEING WITH THE DECISION, BY GROUPS

Group and Number	Agree	Neutral	Dis-agree	No Infor-mation	Total
Peace Officers (N-1669)	9.7		89.3	1.0	100.0
Principals and Sup. (W) (N-762)	52.9	4.9	40.4	1.8	100.0
PTA (W) (N-375)	29.6	1.6	66.1	2.7	100.0
Editors (N-118)	50.0	4.2	42.4	3.4	100.0
Radio Station Mgrs (N-54)	42.6	7.4	42.6	7.4	100.0
County Officials (N-224)	21.0	.9	70.9	7.1	99.9
School Officials (N-309)	23.0	.6	70.9	5.5	100.0
Legislators (N-79)	31.6	2.5	64.6	1.3	100.0
Ministers (N-101)	62.3	4.0	31.9	2.0	100.2
Negro Principals (N-177)	84.2	8.5	3.9	3.4	100.0
PTA (Negro) (N-86)	70.9	5.8	12.7	10.4	99.8

TABLE 4

PER CENT WILLING OR UNWILLING TO COMPLY WITH COURTS AND SCHOOL OFFICIALS, BY GROUPS

Group and Number*	Would Comply	Would Not Comply	No Information	Total
Principals and Sup. (W) (N-762)	84.5	13.6	1.8	99.9
PTA (W) (N-375)	51.2	46.1	2.7	100.0
Editors (N-118)	70.3	26.3	3.4	100.0
Radio Station Mgrs. (N-54)	70.4	22.2	7.4	100.0
County Officials (N-224)	44.6	48.2	7.1	99.9
School Officials (N-309)	45.3	49.2	5.5	100.0
Legislators (N-79)	50.6	48.1	1.3	100.0
Ministers (N-101)	74.3	23.9	2.0	100.2
Negro Principals (N-177)	93.7	2.8	3.4	99.9
PTA (Negro) (N-86)	79.0	10.4	10.4	99.8

* These combinations could not be made for peace officers.

TABLE 5

PER CENT OF EACH GROUP PREDICTING MOB VIOLENCE AND SERIOUS VIOLENCE

Group and Number	Predict Mob Violence	Predict Serious Violence
Peace Officers (N-1669)	29.2	46.6
Principals and Sup. (W) (N-771)	8.9	22.8[1]
PTA (W) (N-375)	17.3	33.7[2]
Editors (N-118)	8.5	20.3
Radio Station Managers (N-54)	11.1	18.5
County Officials (N-230)	23.0	35.3[3]
School Officials (N-303)	31.0	44.9
Legislators (N-79)	27.8	39.2
Ministers (N-101)	10.9	13.9
Negro Principals (N-180)	4.4	4.5[4]
PTA (Negro) (N-86)	5.8	8.1

1. N-762.
2. N-371.
3. N-224.
4. N-174.

TABLE 6

PER CENT OF EACH GROUP DOUBTING ABILITY OF PEACE OFFICERS TO COPE WITH SERIOUS VIOLENCE

Group and Number	Answered "No"	Answered "Don't Know"	Answered "No" or "Don't Know"
Peace Officers (N-1669)	55.7	26.8	81.0
Principals and Sup. (W) (N-762)	34.7	40.7	72.4
PTA (W) (N-375)	42.1	36.0	78.1
Editors (N-118)	35.6	24.6	60.2
Radio Station Man. (N-54)	33.3	22.2	55.5
County Officials (N-224)	41.1	25.4	66.5
School Officials (N-303)	49.2	27.4	76.6
Legislators (N-79)	49.4	21.5	70.9
Ministers (N-101)	23.8	40.7	64.5
Negro Principals (N-177)	11.3	31.6	42.9
PTA (Negro) (N-86)	18.6	33.7	52.3

TABLE 7

PER CENT OF EACH GROUP WHO BELIEVE PEACE OFFICERS COULD COPE WITH MINOR VIOLENCE

Group and Number	Answered "Yes"
Peace Officers (N-1669)	50.9
Principals and Sup. (W) (N-362)	52.1
P.T.A. (W) (N-375)	34.1
Editors (N-118)	74.6
Radio Station Man. (N-54)	59.3
County Officials (N-224)	51.3
School Officials (N-303)	41.6
Legislators (N-79)	60.8
Ministers (N-101)	64.4
Negro Principals (N-177)	61.0
P.T.A. (Negro) (N-86)	46.5

TABLE 8

PER CENT OF GROUPS POLLED WHO BELIEVE MOST OF OTHER SPECIFIED GROUPS DISAGREE WITH THE DECISION

Group and Number*	Specified Group: Most People in Florida	Whites in Community	Negroes in Community
Principals and Sup. (W) (N-756)	65.6[1]	73.0	25.1
P.T.A. (W) (N-375)	61.6	87.5	42.5
Editors (N-118)	59.3	69.5	**
Radio Station Man. (N-54)	42.6	72.3	**
County Officials (N-224)	74.8[2]	80.8	47.8
School Officials (N-303)	75.7[3]	85.5	52.5
Legislators (N-79)	69.1	78.6	39.1
Ministers (N-101)	48.6*	48.6	**
Negro Principals (N-180)	7.8	26.7	8.9
P.T.A. (Negro) (N-86)	16.3	37.2	15.1

1. N-770.
2. N-230.
3. N-309.

* For ministers, this question asked how most of the members of their congregation felt.

**This group not asked how Negroes as a separate group felt.

TABLE 9

PER CENT OF EACH GROUP DESIGNATING VARIOUS METHODS OF ENDING SEGREGATION AS MOST EFFECTIVE

Group and Number	METHOD				
	Immediate	Very Gradual	Other Gradual*	No Information	Total
Peace Officers (N-1669)	.5	9.2		90.3[1]	100.0
Principals and Sup. (W) (N-771)	3.1	71.7	19.5	5.4	99.7
P.T.A. (W) (N-375)	4.3	65.1	13.7	17.0	100.1
Editors (N-118)	5.1	60.2	19.5	15.3	100.1
Radio Station Man. (N-54)	14.8	46.3	25.9	12.9	99.9
County Officials (N-230)	5.2	49.1	16.0	29.6	99.9
School Officials (N-309)	4.9	62.8	9.7	22.6	100.0
Legislators (N-79)	11.4	49.4	17.7	21.5	100.0
Ministers (N-101)	5.9	47.5	33.7	12.9	100.0
Negro Principals (N-174)	9.8	31.6	55.7	2.9	100.0
P.T.A. (Negro) (N-86)	13.9	26.7	46.5	12.8	99.9

* "Other gradual" includes "Keeping existing school boundaries for the time being, but immediately letting children who want to do so go to the closest school regardless of race," and "A one or two year period of preparation before any schools are integrated."
1. These peace officers gave no information or answered "Segregation should be kept."

TABLE 10

PER CENT OF EACH GROUP DESIGNATING SPECIFIED GRADE LEVELS AS EASIEST PLACE TO START DESEGREGATION

Group and Number*	GRADE LEVEL Grades 1-3	College	1-3 and College	All Other	Don't Know or No Inf.	Total
Principals and Sup. (W) (N-771)	34.2	33.6	12.1	10.0	10.0	99.9
P.T.A. (W) (N-375)	36.5	23.5	4.5	5.3	30.1	99.9
Editors (N-78)	37.3	16.9	7.6	15.2	22.9	99.9
County Officials (N-230)	26.1	18.3	3.5	10.0	42.2	100.1
School Officials (N-309)	30.4	23.3	4.2	7.4	34.6	99.9
Legislators (N-79)	22.8	34.2	5.1	10.1	28.0	100.2
Ministers (N-101)	29.7	19.8	8.9	18.9	22.9	100.2
Negro Principals (N-180)	23.3	13.9	11.1	43.9	7.8	100.0
P.T.A. (Negro) (N-86)	23.3	16.3	1.2	40.7	18.6	100.1

* These combinations could not be made for peace officers.

TABLE 11

PER CENT OF EACH GROUP DESIGNATING VARIOUS PROBLEMS AS BEING LIKELY TO ARISE

Problem Area	Principals & Sup. (W) (771)	PTA (W) (375)	School Officials (303)	Principals (N) (180)	PTA (N) (86)
Discipline by White Teachers	16.7	.....	.....	3.9	.....
Discipline by Negro Teachers	55.2	65.9	66.2	6.7	20.9
Lowering of Academic Standards	48.6	.....	.....	11.7	.....
Unfairness by White Teachers	17.0	31.2	22.3	6.7	19.8
Unfairness by Negro Teachers	15.8	26.3	16.6	10.6	11.7
Unfairness to Negroes by Bus Drivers	22.6	.....	25.3	14.4	.....
Development of Private Schools	61.1	70.4	64.3	12.2	18.6
Withdrawal of Whites from Public Schools	55.4	57.6	63.4	12.2	18.6
School Officials Resigning	.....	.....	32.3	.....	.....
Difficulty in Hiring White Teachers	.....	.....	72.2	.....	.....
Rejection of Negro Teacher Applications	.....	.....	62.8	.....	.....
Lack of Tax Support for Mixed Schools	.....	41.3	49.4	.....	19.8

TABLE 12

CONFIDENCE OF PEACE OFFICERS IN ABILITY TO COPE WITH SERIOUS VIOLENCE, BY ATTITUDE TOWARDS DESEGREGATION*

Attitude	Belief that Police Could Maintain Order If Serious Violence Started		
	They Could	They Couldn't	Total
Segregation should be kept	193	836	1029
Segregation should be ended, gradually or immediately	54	64	118

$r_t = +.45$

* Peace officers who answered "Don't Know" have been omitted from this table.

TABLE 13

CONFIDENCE OF PEACE OFFICERS THAT POLICE WOULD ENFORCE SCHOOL ATTENDANCE LAWS FOR MIXED SCHOOLS, BY ATTITUDE TOWARDS DESEGREGATION*

Attitude	Judgment of Willingness of Police to Enforce Attendance Laws		
	They Would	They Wouldn't	Total
Segregation should be kept	151	796	947
Segregation should be ended, gradually or immediately	67	36	103

$r_t = +.65$

* Peace officers who answered "Don't Know" have been omitted from this table.

TABLE 14

PER CENT OF PEACE OFFICERS EXPRESSING VARIOUS ATTITUDES, BY REGION

Region	Attitude Expressed				
	Keep Segregation	Desegregate Gradually	Desegregate Immediately	No Inf.	Total
I (N-133)	83.5	15.0		1.5	100.0
II (N-130)	93.1	4.6	.8	1.5	100.0
III (N-83)	86.7	12.0		1.2	99.9
IV (N-269)	92.9	6.3	.7		99.9
V (N-269)	94.8	3.3	.7	1.1	99.9
VI (N-335)	90.1	9.2		.6	99.9
VII (N-27)	100.0				100.0
VIII (N-423)	83.4	14.2	.9	1.4	99.9

TABLE 15

PER CENT OF WHITE PRINCIPALS AND SUPERVISORS AGREEING OR DISAGREEING WITH THE DECISION, BY REGION

Region	Agree	Disagree	Neutral	No Inf.	Total
I (N-71)	53.5	42.2	1.4	2.8	99.9
II (N-151)	38.4	54.3	6.6	.7	100.0
III (N-38)	60.5	36.8	2.6		99.9
IV (N-135)	47.4	46.7	3.7	2.2	100.0
V (N-99)	47.5	40.4	8.1	4.0	100.0
VI (N-117)	65.0	30.8	3.4	.8	100.0
VII (N-30)	33.3	60.0	6.7		100.0
VIII (N-121)	71.9	20.7	5.0	2.5	100.1

TABLE 16

PER CENT OF WHITE PRINCIPALS AND SUPERVISORS WILLING OR UNWILLING TO COMPLY, BY REGION

Region	Would Comply	Would Not Comply	No Inf.	Total
I (N-71)	81.7	15.5	2.8	100.0
II (N-151)	78.1	21.2	.7	100.0
III (N-38)	78.9	21.1	....	100.0
IV (N-135)	80.0	17.8	2.2	100.0
V (N-99)	84.8	11.1	4.0	99.9
VI (N-117)	94.0	5.1	.8	99.9
VII (N-30)	76.7	23.3	....	100.0
VIII (N-121)	93.4	4.1	2.5	100.0

TABLE 17

PER CENT OF PEACE OFFICERS PREDICTING MOB VIOLENCE, BY REGION

Region	Per Cent Predicting Mob Violence
I (N-133)	33.8
II (N-130)	36.1
III (N-83)	26.5
IV (N-269)	39.9
V (N-269)	31.2
VI (N-335)	27.5
VII (N-27)	63.0
VIII (N-423)	20.6

TABLE 18

NUMBER AND PER CENT OF PEACE OFFICERS AND WHITE PRINCIPALS AND SUPERVISORS PREDICTING SERIOUS VIOLENCE, BY REGION

Region	GROUP			
	Peace Officers		Principals and Supervisors	
	No.	Per Cent	No.	Per Cent
I	75	56.4	20	28.2
II	81	62.3	55	36.4
III	39	47.0	10	26.3
IV	144	53.5	28	20.7
V	129	48.0	20	20.2
VI	159	47.5	16	13.7
VII	16	59.3	13	43.3
VIII	135	31.9	12	9.9

TABLE 19

NUMBER AND PER CENT OF PEACE OFFICERS AND WHITE PRINCIPALS AND SUPERVISORS DOUBTING THAT PEACE OFFICERS COULD COPE WITH SERIOUS VIOLENCE, BY REGION*

Region	Peace Officers		Principals and Supervisors	
	Number	Per Cent	Number	Per Cent
I	105	78.9	53	74.6
II	109	83.8	111	73.5
III	74	89.2	27	71.1
IV	223	82.9	110	81.5
V	230	85.5	73	73.7
VI	265	79.1	76	65.0
VII	24	88.9	22	73.3
VIII	314	74.2	80	66.1

* Based on total of respondents who answered "No" or "Don't Know" to question, "Do you think the peace officers in your community would be able to maintain law and order if serious violence is started?"

TABLE 20

NUMBER AND PER CENT OF LEGISLATORS FAVORING EACH OF FIVE POSSIBLE COURSES OF LEGISLATIVE ACTION

Course of Action	Number	Per Cent
Legislation to preserve segregation indefinitely by whatever means possible	32	40.5
Legislation to preserve segregation for a few more years, contemplating eventual integration but permitting time for development of public acceptance	8	10.1
Legislation permitting voluntary compliance with Court's decision by local school officials, after consultation with patrons	4	5.1
Setting up legal machinery to permit gradual adjustment on a local option basis with provision for interracial committees, group discussions by school patrons and other means to bring about harmonious and peaceful compliance over a requisite period of time	18	22.8
No legislative action	10	12.7
No information given	7	8.8
Total	79	100.0

Leadership Opinion By Personal Interview ...and Conclusions*

While the mail questionnaire method may produce a large volume of data in a short time, this method has many disadvantages. One of the most important is the difficulty encountered in analyzing the answers to open-ended questions, questions which the subject may answer in his own words. Another limitation is the difficulty encountered in reaching subjects who are not included on some mailing list, such as informal, non-official leaders in a community power structure. Hence the mail questionnaire study of leadership opinion in the state was supplemented by a study of leadership opinion in 10 selected counties by the use of personal interviews.

Selection of Counties.

The 10 counties selected by the Research Advisory Committee for intensive study included: Charlotte, Hillsborough and Pinellas, in the southwest coastal region; Orange and Lake, in the central, so-called "Ridge Section" of the

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* Prepared by Dr. Lewis Killian, Department of Sociology, Florida State University.

peninsula; Duval, in the northeast coastal region; Lafayette, a rural, inland county in the the north central portion; Gadsden, a rural county in the northwest part of the state; and Washington, a rural county, and Escambia, an urban county, in the extreme northwest portion of the panhandle of Florida.

In the selection of these counties, the following factors were considered:

1. Representation of the different sections of the state. (The southeast section was not included because an intensive study was made in Dade County and nearby areas by the University of Miami).

2. Inclusion of both rural and urban counties.

3. Inclusion of counties with less than 10 per cent Negro population (2) or more than 50 per cent (1). The state has 5 counties in the former category and 2 counties in the latter.

4. Inclusion of certain counties which, on the basis of preliminary evidence, appeared to be areas of relatively high or relatively low resistance to desegregation.

Method of Study.

Interviews were conducted by 16 public school employees from various counties, 12 white and 4 Negro principals or supervisors. No interviewer was assigned to work in his home county. For unavoidable practical reasons, no interviews with Negro subjects were obtained in two counties, and in three other counties only a limited number were obtained, these by white interviewers.

The interviewers, all carefully chosen for the task, were given one day of intensive training in the selection of subjects for interview, interviewing techniques, and interview recording. A schedule consisting of thirteen open-ended questions, similar to the structured questions used on the

mail questionnaire and supplemented by suggested probing questions, was furnished. The interviewers were also given a list of community leaders, official and non-official, whom they should attempt to interview. It should be noted that the field workers were instructed to follow the advice of local informants in selecting subjects, both white and Negro, considered to be important figures in the power structure of the community.

Each interviewer wrote, at the completion of his field work, an independent analysis of the situation in the county he studied. In addition, a content analysis was made of all interviews by a team of eight analysts, four white and four Negro, from the State Department of Education, the Florida A. and M. University, and the Florida State University. In this analysis the interviews were coded for IBM tabulation.[1] After analysis and coding were completed, approximately one-half of the interviews were coded for two items a second time by another member of the team, white and Negro members exchanging interviews. A reliability check on these items revealed a high degree of reliability between ratings by separate analysts, indicating that personal and racial biases in the interpretation of the interview protocols were slight.

Findings.

Interviews were obtained from a total of 460 white subjects and 195 Negro subjects. Of the white subjects, 263 were official leaders (County, city and school officials, judges, peace officers, and school employees) and 197 were non-official leaders (business, professional, civic club, re-

1. Statistical analysis of the interview data was done in the Sociology Research Laboratory of the Florida State University, under the direction of Prof. Robert McGinnis and Dr. John M. Haer. Responsibility for the interpretation of the results is assumed by the Research Advisory Committee.

ligious, labor, youth). There were 42 Negro subjects who were school employees, and 153 non-official Negro leaders, including a large number of insurance men, undertakers, and independent business men.

Distribution of the interviews by counties, for Negro and white, are shown below:

County	*White*	*Negro*
Charlotte	34	None
Duval	47	31
Escambia	40	64
Gadsden	27	7
Hillsborough	79	43
Lafayette	20	None
Lake	43	7
Orange	47	21
Pinellas	90	13
Washington	33	9

On the basis of statistical analysis of the interviews and the impressions reported by the field staff, the findings indicated below were reached. Although a different method of study was used, these findings do not differ significantly from those of the questionnaire study.

These findings are:

1. The majority of white subjects (67.7 per cent) are in disagreement with the decision, but only 4.1 per cent of the Negroes interviewed disagreed.

Even white subjects who thought the decision was right expressed, for the most part, fear that violence would occur if desegregation were not worked out gradually or if, in the words of some, "it is crammed down our throats." Some whites violently opposed to the decision made such statements as, "The decision is an outrage; it is wrong and will never work," and "These colored children should be treated in such a way that they would not want to come back to school."

On the other hand, a Negro interviewer summarized the opinions of Negroes in one county in the words, "God is behind the court's decision. He will see that it is carried out, but he doesn't want us to hasten," and in another county in the words, "This problem should have been met squarely years ago. There is no need attempting to circumvent, but settle the problem once and for all instead of passing it into the laps of our children."

2. Slightly less than half (45.7) per cent of the whites indicated that they would not cooperate with the decision of the courts or local school officials as to how to effect desegregation, only 16 per cent indicating that they would actively oppose attempts to end segregation.

Caution must be exercised in inferring that a major segment of the white leadership represented here would "go along" with any plan for desegregation, regardless of its nature. It must be considered that many informants may have been indicating willingness to comply with what they thought the courts and, particularly, the school officials would do, but not with anything that they might possibly decide.

3. One reason given by white subjects for disagreement with the decision was that it is a violation of "states' rights" and, in effect, a negation of local autonomy.

4. White leaders are almost unanimously opposed to any immediate steps to end segregation in their communities, only 4 out of 460 favoring such steps.

5. Of the Negro leaders, only 28.2 per cent favor immediate ending of all segregation in public education in their communities, but 58.9 per cent believe that the transition should begin within the next three years.

6. Whites and Negroes differ sharply in their assessment of white community opinion on the decision, 77 per cent of the white leaders believing most of the white people in their

communities disagree with the decision, but only 25.1 per cent of the Negroes believing this.

7. Whites and Negroes differ sharply in their assessment of Negro opinion in their communities, 54.3 per cent of the white leaders believing that most Negroes disagree with the decision, but only 6.1 per cent of the Negro leaders believing so.

8. While only 30 per cent of the whites believe that even a few Negro children could be admitted now to a previously all white school without resulting violence, 76.4 per cent of the Negroes believe that this could be done without causing violence.

9. Of the subjects answering the question (210 white, 82 Negro), a majority of Negroes (89 per cent) believe that peace officers could and would maintain law and order if violence started, but only 46.7 per cent of the whites believe this. A great many subjects in both groups did not answer this question.

10. While many white leaders seem to expect trouble and even violence to occur if desegregation is attempted, there was no definite group or category of people which was specified by more than 10 per cent of the respondents as being likely to cause this trouble.

11. White leaders designated the primary grades and the colleges and universities most frequently as the best place to start desegregation if it were undertaken (primary—31.7 per cent; college—13.3 per cent; both—8.5 per cent) but Negro leaders designated all grades from primary through high school most often (32.3 per cent).

12. Specific problems other than violence which might arise from desegregation were identified by a greater proportion of whites than of Negroes, although only a minority of each group designated any given eventuality as a likely problem. The problems most often designated by whites were: getting white teachers to teach in mixed schools; using Negro teachers in mixed schools; maintaining discipline on school busses and in classes; getting white parents to

send their children to mixed public schools; keeping present academic standards; and getting tax support for mixed schools.

13. In no county does it appear that more than a small segment of whites is ready to accept immediate and abrupt desegregation. In two counties, however, a majority of the white leadership interviewed (in one, 59.5 per cent, in the other, 72.4 per cent) believe that desegregation can be accomplished peacefully and effectively if it is done over a period of years, with a preparatory program of education, and at a rate determined by the local citizens.

14. In one county, the high frequency of belief among white leaders that segregation should be kept, that violence would result from desegregation, and that peace officers could not cope with such violence, makes it appear very likely that conflict and disorder would result if an attempt to start desegregation by any means was undertaken even within from five to ten years from the present.

15. Inspection of the interview protocols and the reports of the field staff reveal that even within counties there is wide variation in readiness by whites of different communities to accept desegregation.

In one county there is one community in which both Negro and white leaders fear serious violence, in which organized, violent opposition to desegregation is anticipated, and in which, indeed, organized but peaceful opposition has already appeared. In the same county is a community in which, in the judgment of both white and Negro interviewers, gradual but effective desegregation could be accomplished in the next few years. Similar situations exist in all but two of the counties, both predominantly rural but differing in region and proportion of Negroes in the population.

16. Concrete suggestions for effective first steps towards gradual desegregation offered by subjects include a period of education preparatory to the first steps, and the working together in interracial committees of adults who would study together the problems confronting their community.

THE PERSONAL INTERVIEW SCHEDULE

Position:

How Selected:

1. Just what do you understand the Supreme Court decision to mean?

2. How do you feel about the decision?
   Probing:

   Feel it was right?
   Feel it was wrong?
   Feel it was neither right nor wrong—just not sure?

   If right,
   Not at this time?
   We need time?
   We should try to end segregation immediately?

   If wrong,
   Should cooperate because it is the law?
   Will not cooperate in ending segregation?
   Will actively oppose the action?

   If neutral,
   Will do whatever the courts and school officials say?

3. How do you think most of the people of Florida feel about it?

4. How do you think most of the people of this community feel about it?

   Probing:
   How do white people feel about it?
   How do colored people feel about it?

5. Do you think there are any people in this community who feel differently about this?

   If yes, probing:
   How do they feel about it?
   What kind of people are they? (General descriptive terms)
   Are they organized in any way?

What kinds of things do you think they would do to put across their viewpoint?

6. Now, suppose the local school board decided in the next few years that it had to let a few colored children who lived in a mostly white attendance area go to the nearest school. What do you think would happen?

   Probing:

   What would people in this community do?
   Would anyone try to keep them from attending the school?

   If so, who would they be? (*Not* by name—just a general description) What kinds of things would they do?
   Who would be the leaders?
   Who would participate?
   Would the existing law enforcement staff of this community be able to prevent violence from occurring?
   Under what conditions would they be able to prevent violence, and under what conditions would they not be able to?

7. Now, suppose that in the next few years a few colored persons in your county applied for admittance to a white school and a court ordered that they be admitted. What do you think would happen?

   Probing:

   What would people in this community do?
   What would the school board do? (Admit them immediately? Try to fight the court order? Resign?)
   If they decided to admit them, would anyone try to keep them from attending school?
   (Continue as in question 6)

8. Suppose the local school board decided that it had to let all children go to the school nearest their home. What do you think would happen?

   Probing: (Same as for question 6)

9. If segregation in the schools were done away with in the next few years, what problems do you think would come up?

Probing:

In the employment of white teachers?

In the employment of colored teachers?

In transportation of children to school?

In getting public support for school finance programs?

In keeping order among the children in the classroom and on the playground?

In getting parents, white and colored, to send their children to mixed schools?

In getting fair treatment by teachers of all children regardless of race?

In keeping high teaching standards in the schools?

10. What ways can you suggest for handling any of the problems you have mentioned?

11. Suppose public school segregation had to be ended sooner or later. What do you think would be the best way to do it?

Probing:

There just isn't any way?

Assign all children to school on the basis of geographical location immediately?

Keep present school boundaries at first and let children who want to do so go to the closest school?

Have a one or two year period of preparation before any steps are taken to end segregation?

Try to work it out over a period of years?

12. If it had to be done in the next few years, in what grades do you think it would be easiest to start admitting colored and white to the same schools?

13. Is there anything I haven't touched on in my questions which you would like to comment on?

Personnel Interviewed

A. *Leaders* (Officials)

County Commissioners, Chairman
Mayor or City Manager
Sheriff
Chief of Police

County Judge
County Solicitors
Superintendent of Schools
County Health Officer
County Board of Public Instruction, Chairman
County School Trustees, Chairman
County Commissioners
City Commissioners
Deputies
Police Officers
Circuit Judge
State Attorney
Judge, Court of Criminal Record
County Board of Public Instruction, Members
County School Trustees, Members

B. *Leaders* (Non-officials)

School principals
School supervisors
Teachers
PTA leaders
Women's Club leaders
Chamber of Commerce president
Civic and Veterans' organizations leaders
Newspaper editor or publisher
Bankers
Lawyers
Doctors
Realtors
Labor union leaders
Undertakers
Insurance men
Leading business men
Directors, housing projects
Other leaders designated by respondents as:

(1) Being in a position to know what people in the community are thinking and doing.

(2) Being important in influencing what people in the community think and do.

RELIABILITY OF JUDGMENTS IN THE ANALYSIS OF RECORDED INTERVIEWS ON THE SUBJECT OF THE SUPREME COURT'S SEGREGATION DECISION*

Eight trained social scientists—four Negro, four white—made the analysis of 657 interviews recorded on the subject of the Supreme Court decision declaring segregation unconstitutional. Each judge analyzed approximately 80, using a scale devised for the specific case at hand.

To indicate the reliability of ratings by the judges, two items were arbitrarily selected for analysis. The two items selected were thought to offer representative difficulties to the judges. The judges were paired—one white and one Negro—and each judge independently re-rated half of his partner's interviews on the two items.

The first item concerned a judgment of the personal feeling of the respondent on the following scale:

1. Firmly in favor of the decision, and believe that schools should be immediately opened to both races throughout Florida.

2. Firmly in favor of the decision and feel schools should be gradually combined, taking into consideration places which need more preparation.

3. Feel that such a decision should have been made eventually, but believe we are not ready for it. Feel we must move very slowly and cautiously.

4. Neither in favor of or against the decision; will agree with whatever the courts and school officials do.

5. Against the decision, but will agree with whatever the courts and school officials do.

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* Prepared by Fay-Tyler M. Norton, graduate psychologist.

6. Firmly against the decision; will not cooperate in ending public school segregation.

7. Firmly against the decision; will actively oppose any attempt to end segregation in Florida schools.

8. Other; Pro-segregation

9. Other; anti-segregation

0. Don't know

x. No information

The second item concerned a judgement on the "general tone of the interview." The scale consisted of the following:

(1. Will oppose.
(2. It won't work.
(3. Indecisive.
(4. Can be worked out, but will take time.
(5. Integration can take place soon.

The plan for statistical analysis included percent of agreement between judges, Chi square, and the contingency coefficient for each of the eight sets of paired judgements.

For purposes of reporting and analysis, it was deemed more meaningful to combine categories in both items to form a directional scale. A preliminary check revealed that the categories were probably too finely drawn to be highly reliable as specific categories. In the first item, categories 1, 2, 3, and 9, and categories 5, 6, 7, 8, were used to indicate "in favor" or "against" the decision, respectively. In the second item, categories 1 and 2, and categories 4 and 5 were used to indicate "unfavorable" and "favorable", respectively. There were no interviews rated as 0 or x.

Table 1 shows (1) the percent of agreement between the pairs of judges on both items and (2) the total number of paired judgments made by each pair. The consistency of the judges is evident.* It is especially important that con-

* Note that the probability for agreement on only *one* interview is 1/9.

sistency of judgment was found between white and Negro judges.

Tables 2-5 indicate the ratings given the personal attitude of the interviewees by the four pairs of judges.

Each of the extremely high values of Chi square would occur much less than .001 times by chance alone. Inspection of the tables will show the positive relationship of the judges' ratings. The contingency coefficients indicate the degree of association.

Tables 6-9 indicate the classifications of the interviews according to "general tone." Here again each of the extremely high values of Chi square would occur much less than .001 times by chance alone. The relationship of the judges' classifications is also a positive one, the contingency coefficients indicating the degree of association.

Note must be made of violation of an assumption basic to the use of the Chi square statistic. Several of the theoretical cell frequencies in each table are less than 5. In this case the violation is not as serious as it might be, because the values of Chi square are extremely high. Reference is made to the article on the Chi-square test by Lewis and Burke.[1]

The four independent indicators of reliability for each of these items are acceptably high. The extension of acceptable reliability to other items of the interview analysis must be made on logical grounds alone.

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1. Lewis, Don, and Burke, C. J. The use and mis-use of the Chi-square test. *Psychol. Bull.*, 1949, 46, 433-489.

TABLE 1

PER CENT AGREEMENT BETWEEN JUDGES

I. RATINGS OF INTERVIEWEE FEELING

Judges*	Per Cent	Total No.
I & II	94	89
III &IV	93	86
V & VI	92	60
VII & VIII	89	82

II. RATINGS OF INTERVIEWS AS A WHOLE

Judges*	Per Cent	Total No.
I & II	85	85
III & IV	80	84
V & VI	66	61
VII & VIII	80	80

*Judges I, III, V, VII—Negro
Judges II, IV, VI, VIII—White

TABLE 2

FREQUENCIES OF RATINGS OF INTERVIEWEE FEELING BY JUDGES I & II

		Judge I			
		In favor of Supreme Court decision	Neutral	Against the Supreme Court decision	Total No. of cases
Judge II	In favor of Supreme Court decision	37	1	2	
	Neutral	0	5	0	
	Against the Supreme Court decision	1	1	42	
	Total No. of cases				89

Chi square=75.9711; P less than .001
C=.68

TABLE 3

FREQUENCIES OF RATINGS OF INTERVIEWEE FEELING BY JUDGES III & IV

		Judge III			
		In favor of Supreme Court decision	Neutral	Against the Supreme Court decision	Total No. of cases
Judge IV	In favor of Supreme Court decision	50	0	1	
	Neutral	1	0	1	
	Against the Supreme Court decision	2	1	30	
	Total No. of cases				86

Chi square=79.368; P less than .001
C=.69

TABLE 4

FREQUENCIES OF RATINGS OF INTERVIEWEE FEELING BY JUDGES V & VI

		Judge V			
		In favor of Supreme Court decision	Neutral	Against the Supreme Court decision	Total No. of cases
Judge VI	In favor of Supreme Court decision	17	0	1	
	Neutral	1	1	2	
	Against the Supreme Court decision	1	0	37	
	Total No. of cases				60

Chi square=44.436; P less than .001
C=.65

TABLE 5

FREQUENCIES OF RATINGS OF INTERVIEWEE FEELING BY JUDGES VII & VIII

		Judge VII			
		In favor of Supreme Court decision	Neutral	Against the Supreme Court decision	Total No. of cases
Judge VIII	In favor of Supreme Court decision	55	1	7	
	Neutral	0	1	0	
	Against the Supreme Court decision	1	0	17	
	Total No. of cases				82

Chi square=50.5192; P less than .001
C=.62

TABLE 6

FREQUENCIES OF CLASSIFICATION OF INTERVIEWS BY JUDGES I & II

		Judge I			
		Unfavorable	Neutral	Favorable	Total No. of cases
Judge II	Unfavorable	24	1	6	
	Neutral	0	0	1	
	Favorable	4	1	48	
	Total No. of cases				85

Chi square=51.067; P less than .001
C=.61

TABLE 7

FREQUENCIES OF CLASSIFICATION OF INTERVIEWS BY JUDGES III & IV

		Judge III			
		Unfavorable	Neutral	Favorable	Total No. of cases
Judge IV	Unfavorable	16	1	3	
	Neutral	4	1	4	
	Favorable	2	3	50	
	Total No. of cases				84

Chi square=48.511; P less than .001
C=.50

TABLE 8

FREQUENCIES OF CLASSIFICATION OF INTERVIEWS BY JUDGES V & VI

		Judge V			
		Unfavorable	Neutral	Favorable	Total No. of cases
Judge VI	Unfavorable	24	1	8	
	Neutral	4	0	7	
	Favorable	0	1	16	
	Total No. of cases				61

Chi square=21.395; P less than .001
C=.41

TABLE 9

FREQUENCIES OF CLASSIFICATION OF INTERVIEWS BY JUDGES VII & VIII

		Judge VII			
		Unfavorable	Neutral	Favorable	Total No. of cases
Judge VIII	Unfavorable	3	0	0	
	Neutral	5	3	3	
	Favorable	7	1	58	
	Total No. of cases				80

Chi square=25.4613; P less than .001

C=.47

Analysis of Negro Registration and Voting in Florida 1940-1954*

This is a study of the trend of Negro registration for voting for the years 1940-1954, an example of the way Negroes have begun to take advantage of a privilege from which State restrictions were removed by a federal court decision.

The reliability of figures on registrations is questionable. In many instances supervisors have failed to keep accurate and up-to-date records, and in several instances the report made to the Secretary of State differs from that made to the Attorney General. It is impossible to compare the percent of negroes over 21 registered with the percent of whites over 21 registered; many counties report more white registrants than there are adults over 21 according to the 1950 census.

Immediately evident from graphs of the number of Negroes registered is the tremendous increase in registration following 1944 when the decision in Smith v. Allwright (321 U.S. 649) was made applicable to Florida through further litigation.

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* Prepared by Dr. Malcolm B. Parsons and Dr. J. A. Norton, School of Public Administration, Florida State University.

Evident from a county-by-county report is the great variation among counties in the percentage of non-whites over 21 who are registered.

There is also a variation in the time when Negro registrants increased. The following table shows the time pattern for counties with no Negroes registered.

Number of Counties with No Negro Registrants

1940—51
1944—36
1946— 4—Madison, Liberty, Lafayette, Union, Hendry (2)
1948— 4—Madison, Liberty, Lafayette, Union (1), Hendry
1950— 5—Madison, Liberty, Lafayette, Union, Calhoun
1952— 4—Madison, Liberty, Lafayette, Union
1954— 3—Liberty, Lafayette, Union

The counties which have had no Negroes registered since 1946 have all been in north Florida, except for Hendry which left this group in 1950.

Madison county is a good example both of how rapidly situations can change and the techniques necessary to produce a change. Madison County had no Negro registrants until just before the 1954 primaries. At this time 586 Negroes went to the courthouse *en masse* and were registered. According to the supervisor of registration most of the registrants exercised their franchise.

In 1952, the counties in North Central Florida (the plantation-South culture) showed a generally uniform pattern of a low percentage of Negro registrants. All 4 counties with no Negroes registered are in this bloc.

Very interesting are the Florida counties, especially in North Florida, showing a high percentage of Negroes registered. These reports would bear close examination in light of participation reports and other studies. Where urban machines are known to operate the pattern is not surprising. In other counties the explanations do not come easily.

Graphs showing absolute numbers of Negro registrants from 1940 through 1954, and the percent of adult Negroes registered for those years, are attached for each of the 12 counties under interview scrutiny.

"We don't mind for our niggers to register, but we don't let 'em vote", a North Florida official is quoted as saying. The questionnaire sent to supervisors furnishes the only information on the number of Negroes who actually vote. Many of these figures were plainly labelled "estimates", others probably are.

Many reports must be interpreted in one of two ways:

(1) They are either poor guesses, or

(2) Any Negro who dares register is determined to exercise his right to vote.

This evaluation is made because the percentage of registered Negroes who vote is much higher than one would estimate on the basis of the social-economic levels which correlate with voting interest. The evaluation applies with somewhat less force to the counties under interview scrutiny, but it is not clear why.

SUMMARY SHEET OF ATTORNEY GENERAL'S QUESTIONNAIRE, JULY 15 1954

County	Non-white Registrations reported by Secretary of State	Non-white Registrations reported by County Supt. of Registration	1954, 1st Primary Negro vote as estimated by County Supt. of Registration	1954, 2nd Primary Negro vote as estimated by County Supt. of Registration	Non-white Population 1950
Alachua	2,740	2,726	817	914	16,551
Baker	184	187	164	148	1,546
Bay	2,414	2,396	1,026	1,071	7,165
Bradford	684	636	367	413	2,800
Brevard	1,780	1,780	?	?	6,001
Broward	4,337	4,348	1,839	1,656	21,359
Calhoun	136	147	62	58	1,119
Charlotte	237	239	140	119	672
Citrus	486	486	283	248	1,555
Clay	946	968	796	742	2,105
Collier	526	526	319	306	1,986
Columbia	956	986	496	378	6,124
Dade	20,179	20,108	?	?	65,392
DeSoto	739	739	272	345	2,002

SUMMARY SHEET OF ATTORNEY GENERAL'S QUESTIONNAIRE, JULY 15, 1954 (Continued)

County	Non-white Registrations reported by Secretary of State	Non-white Registrations reported by County Supt. of Registration	1954, 1st Primary Negro vote as estimated by County Supt. of Registration	1954, 2nd Primary Negro vote as estimated by County Supt. of Registration	Non-white Population 1950
Dixie	91	91	85	85	562
Duval	25,774	25,817	11,876	10,585	81,840
Escambia	6,545	6,553	1,834	2,096	25,123
Flagler	4	4	2	0	1,534
Franklin	309	309	244	193	1,496
Gadsden	8	8	3	?	20,468
Gilchrist	10	10	4	4	346
Glades	342	247	107	118	898
Gulf	426	414	284	226	2,007
Hamilton	212	238	150	100	3,790
Hardee	282	282	155	157	750
Hendry	550	551	300	237	1,580
Hernando	420	420	252	252	1,539
Highlands	1,276	1,270	557	613	3,466

SUMMARY SHEET OF ATTORNEY GENERAL'S QUESTIONNAIRE, JULY 15, 1954 (Continued)

County	Non-white Registrations reported by Secretary of State	Non-white Registrations reported by County Supt. of Registration	1954, 1st Primary Negro vote as estimated by County Supt. of Registration	1954, 2nd Primary Negro vote as estimated by County Supt. of Registration	Non-white Population 1950
Hillsborough	4,003	4,003	2,400	2,800	38,315
Holmes	145	127	49	58	609
Indian River	289	289	112	153	2,962
Jackson	2,310	2,313	1,375	1,375	11,574
Jefferson	141	225	125	75	6,513
Lafayette	0	0	0	0	325
Lake	1,404	1,404	350	200	8,542
Lee	1,430	1,475	313	216	4,694
Leon	4,150	4,013	2,840	2,459	20,381
Levy	358	358	119	119	3,603
Liberty	0	0	0	0	581
Madison	586	585	?	?	6,477
Manatee	1,290	1,250	500	400	7,916
Marion	4,040	4,043	1,474	1,581	14,594

SUMMARY SHEET OF ATTORNEY GENERAL'S QUESTIONNAIRE, JULY 15, 1954 (Continued)

County	Non-white Registrations reported by Secretary of State	Non-white Registrations reported by County Supt. of Registration	1954, 1st Primary Negro vote as estimated by County Supt. of Registration	1954, 2nd Primary Negro vote as estimated by County Supt. of Registration	Non-white Population 1950
Martin	516	516	345	310	2,203
Monroe	1,214	1,214	925	596	3,221
Nassau	1,032				4,007
Okaloosa	363	375	187	185	2,198
Okeechobee	291				641
Orange	2,687	2,695	1,139	787	22,766
Osceola	239	239	171	150	1,492
Palm Beach	5,198	5,179	2,043	2,244	34,797
Pasco	633	700	100	75	2,776
Pinellas	3,408	3,426	939	975	18,712
Polk	3,685	3,716	†	†	25,577
Putnam	1,433	1,433	409	536	8,608
St. Johns	2,515	2,515	785	618	8,327
St. Lucie	1,464	1,476	545	566	6,394

SUMMARY SHEET OF ATTORNEY GENERAL'S QUESTIONNAIRE. JULY 15. 1954 (Continued)

County	Non-white Registrations reported by Secretary of State	Non-white Registrations reported by County Supt. of Registration	1954, 1st Primary Negro vote as estimated by County Supt. of Registration	1954, 2nd Primary Negro vote as estimated by County Supt. of Registration	Non-white Population 1950
Santa Rosa	613	613	547	511	1,584
Sarasota	707	639	132	164	4,611
Seminole	1,581	1,624	978	993	11,940
Sumter	520	619	464	464	3,052
Suwannee	438				4,985
Taylor	99	109	0	0	3,181
Union	0	0	0	0	3,231
Volusia	4,537	4,637	2,376	2,358	16,385
Wakulla	139	145	15	22	1,627
Walton	1,721				1,958
Washington	570	581	340	325	2,119

Existing Public School Facilities in Florida ...and Factors of School Administration and Instructional Services Affecting Segregation*

The 1950 census revealed that Florida had grown in population since 1940 more than any state east of the Rocky Mountains. This rapid growth has probably been most sharply observable in the public schools. The present rate of growth in school population from year to year is about 8 per cent. Present school population for the year ended June 30, 1954 was 650,285 (507,276 white; 143,009 Negro) up from 603,665 the year before (467,762 white; 135,903 Negro).

There were 81 schools in 18 counties forced to run double sessions during 1953-54 as against 66 schools in 15 counties the year previous.

The classroom situation is acute. Although 671 classrooms were constructed between July 1, 1953 and July 1,

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* Prepared by Dr. Robert E. Lee, Florida State Department of Education, assisted by Thomas N. Morgan, Florida State Department of Education.

1954, bringing existing classrooms up to about 18,000, it would require 5000 new classrooms this year to eliminate double sessions, relieve congested classrooms, take care of expanding enrollment and replace obsolete classrooms which should be abandoned.

The need for teachers is equally critical. Conservative estimates place the teacher need for the year 1953-54 at a figure between 4500 and 5000.

During 1953-54 Florida's 2212 school buses manned by 2038 drivers (including 359 Negro drivers) traveled 30,910,944 miles to transport 209,492 pupils at a cost of $4,506,667. The magnitude of this operation can be more readily appreciated by comparing it with that of commercial bus passenger lines which reveals that in miles traveled school buses probably equaled or exceeded the total mileage of all commercial passenger bus lines in the state in the latest recorded corresponding year.

The total cost of operating Florida's public schools for the year 1952-53 is given in Table 1, classified by major items of expenditure.

The level of support of public education in Florida underwent a substantial advance with the establishment of the 1947 Minimum Foundation Program Law. Prior to that year, the assessed value of property within a county was the primary determinant of financial support; since then the extensive tax resources of the entire state have made possible adequate financial support for the education of all the children, regardless of location or color. This structure of school finance can be described as a partnership between each county and the state, whereby the county levies taxes according to its financial ability and the state contributes to each county primarily on the basis of need. Since 1947 the gaps of inequality between the races and between rural and metropolitan areas have been steadily narrowed.

Table 2 shows that the pronounced discrepancies between white and Negro salaries existing in 1930 and 1940 were reduced to a difference of 21% in 1947 and only 7.0% in 1952-53. In like manner the percentage of discrepancy between Current Expenditure Per Negro Pupil and Current Expenditure Per White Pupil in 1930-31 was 71%, but by 1952-53 this per pupil dollar expenditure for Negroes had risen almost tenfold to where the per cent difference was only 16% less than the corresponding expenditure for whites.

During the fourth and fifth decade, the majority of Negro teachers had less than four years college training. By 1952-53, 94.7% of all Negro teachers compared to 95.6% of all white teachers had at least four years college training.

Capital Outlay Expenditures have reflected not only the inflation of enrollment, but the inflation of new residents and the inflation of construction costs. From 1937 to 1953 Capital Outlay Expenditure for Negroes amounted to $28,975,000, and for white schools the amount was $129,-246,000. The total value of public school property in Florida has been estimated at $300,000,000. Capital Outlay Expenditures Per Negro Pupil were greater than for whites in 1952-53 because of greater needs. During the two decades up to 1947 a limited State Aid Program provided some financial support without specification as to race. Starting in 1947, State Aid under the Minimum Foundation Program was allocated to the counties in such a way that no shifting of salary funds from one race to another could take place. In some counties of Florida, the Expenditures Per Negro Pupil are greater than the Expenditures Per White Pupil. This often happens when the Negro teachers as a group have either greater training or longer service than the white teachers.

Florida provides annually $400 per instruction unit for

Capital Outlay needs which for the 67 counties totaled $9,451,600 in 1953-54 and has been computed at $10,199,448 for the 1954-55 estimate. This money is spent in each county according to the needs recommended by a state conducted school building survey. With the help of these individual county surveys it was estimated as of January, 1954 that $97,000,000 will be needed to provide facilities for white children and $50,000,000 will be needed to provide facilities for Negro children. Since the activation as of the effective date January 1, 1953 of a Constitutional Amendment providing for the issuance of revenue certificates by the State Board of Education against anticipated state Capital Outlay funds for the next thirty years more than $43,000,000 in state guaranteed bonds have been issued to provide additional facilities for both races. By the fall of 1954 there will have been a total of $70,000,000 of these bonds issued and in the foreseeable future the total will be $90,000,000 to $100,000,000. At the present time 2182 classrooms are under construction as a result of the issuance of these bonds.

The growth of Florida's school population in the past five years has far exceeded all expectations and predictions. The combination of a large birth rate during the latter forties and a steadily increasing migration rate is reflected in Table 3.

It is significant that Florida was the only one of the thirteen southern states to show an increase in the age 10-14 Negro population during the last decade. While the general pattern in the South during 1940-50 was a migration of Negroes to the North and West, Florida registered a 2.5% net migration increase and a natural increase of 14.9%. The corresponding rate for the white population for this decade was a net migration increase of 40.6% and a natural increase of 16.1%. It is clear then, that Florida's Negro population, though increasing in both measures, is actually becoming a smaller and smaller minority. The per cent of

non-white population decreased from 27.2% in 1940 to 21.8% in 1950. As in the other states, a wide range of concentration is found among the 67 counties of Florida. The accompanying two maps of Florida counties show the amount and per cent of non-white population in 1950 and the distribution of Negro enrollment in 1952-53, and illustrate the diversity of Florida's pattern. In only two counties of North and West Florida do the Negroes outnumber the whites. In only one county do the Negroes comprise less than 5% of the county's population. With the exception of Jacksonville, the major metropolitan areas are inhabited by a much smaller proportion of Negroes than the state average.[1]

The shifting of Negro population into the southern coastal counties and into Northeast Florida is contrasted with the out-migration of Negroes from the West Florida non-urban counties. Statewide, twenty-seven counties (or 40%) registered actual losses in Negro population from 1940 to 1950; and the heaviest losers were Dixie (82%), Gilchrist (46%), and Liberty (37%).

Achievement Test Scores

If a significant difference in preparation and achievement level exists between white and Negro students, additional academic problems can be expected in the process of desegregation. It is not inferred that these differences are explained by racial differences.

In Florida, the statutes provide 1,050 scholarships of $400 each for students desiring to train for the teaching profession. Awarding of the scholarships is done on a basis

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1. Dietrich, T. Stanton, Statistical Atlas. Florida's Population: 1940 and 1950: Research Report No. 3. Fla. State University, June, 1954.

of county representation, race, and competitive test scores of psychological and scholastic aptitude. A compilation of the scores of the 740 white twelfth grade applicants in the spring of 1954 yielded an average score of 340. Compilation of the 488 Negro twelfth grade applicants yielded an average score of 237. In the previous year, 1953, 664 white applicants made a mean score of 342 while the 503 Negro applicants made an average score of 237. This difference is classified as very significant and should be interpreted as meaning that factors other than chance explain the different results between white and Negro scores.

In addition, a comparison of the performance of white and Negro high school seniors on a uniform placement-test battery given each spring in the high schools throughout the State of Florida is shown in Table 4. The number of participants corresponds with the total twelfth grade membership during the five-year period, 1949-1953. This table shows, for example, that on all five tests 59% of the Negroes rank no higher than the lowest 10% of the whites. On the general ability scale, the fifty percentile or mid-point on the white scale corresponds with the ninety-five percentile of the Negro scale. In other words, only 5% of the Negroes are above the mid-point of the white general ability level.

Studies of grades at the University of Florida indicate that white high school seniors with placement test percentile ranks below fifty have less than a 50% likelihood of making satisfactory grades in college. While factors such as size of high school, adequacy of materials, economic level, and home environment are recognized as being contributing factors, no attempt is made here to analyze or measure the controlling factors.

Counties With No Negro High Schools

An examination of facilities provided by the sixty-seven counties reveals that no senior high schooling was offered for Negroes in eight counties in 1953. Transportation to an adjacent county high school is provided in each county. In six of these eight counties the membership available for a 7-12 grade high school is less than seventy-five.

Table 5 shows the estimated number of Negroes eligible for grades 7-12, the number and organization of white high schools, the white average daily membership, the full capacity of the high schools, and the possible space available. If the ban on Negro pupils were lifted, space would be available in six of these eight counties.

Examples of Inter-Racial Cooperation

The tradition of separate schools for Negro children has in effect separated the Negro teachers from association with white teachers. Until recent years, duplicate meetings of teachers during pre-school conferences were held in every county. When specialists and consultants were brought into the county to improve instruction, two presentations instead of one had to be made. Considering the growing demands for efficiency and effective administration that were promulgated by the 1947 Minimum Foundation Program, the administrations in several counties have found it advantageous to schedule a single program of activities during the two week pre-school conference period for instruction personnel. Collier, Monroe, Sarasota, Hardee, and Dixie are counties that have already combined the races for pre-school conferences. This action, it might be noted, has been carried out as a result of voluntary local level initiative without any directive or suggestion from the state administration.

There are other examples of inter-racial cooperation at the county level. In Dade and Duval Counties, Negro supervisory personnel have offices in the same building as their fellow professional staff members. In a number of counties, including Santa Rosa, Leon, Sarasota, Pinellas, Hillsborough, and Hernando, regular principals' meetings are held without regard to race. Negro representatives have participated in the County PTA Council in Hillsborough County. In many counties the development of a Parent Teacher Association in Negro schools has been possible as a result of the personal interest and sponsorship of white PTA leaders. Invitations to be guests and speakers at PTA meetings have not been entirely unilateral.

The State Department of Education has Negro consultants, and staff and division meetings are held at regular intervals in the Capitol with no distinction as to race.

The members of the Florida Resource Use Education Committee are appointed by the Governor and include both races. The purpose of the committee is to promote instruction in the wide use and development of the natural resources in our community, state, and nation.

The Florida Council on Elementary Education and the Florida Council on Secondary Education are each composed of professional educators in Florida and have representation from both races. Membership is by appointment of the State Superintendent of Public Instruction and the purpose of each Council is to conduct studies which will make possible the continued improvement of the school's product.

For the past two years, a week-long Negro Principal's Work Conference has taken place at Bethune-Cookman College with a participation of more than half of all Negro Principals. Speakers, consultants, and specialists were largely drawn from white educators in Florida.

The examples of normal association between the races

cited herewith are confined largely to professional educators and those citizens deeply concerned about public education.

TABLE 1

SUMMARY OF EXPENDITURES—ALL FUNDS—BOTH RACES, 1952-53

General Control	$ 2,367,825.41
Instruction	78,233,563.93
Operation of Plant	6,540,853.16
Maintenance	4,031,471.75
Auxiliary Agencies	6,585,529.70
Fixed Charges	2,810,762.18
Current Expenses (Day Schools)	100,570,006.13
Other Schools	1,527,768.39
Total Current Expenses (All Schools)	102,097,774.52
Capital Outlay	28,013,835.59
Debt Service	8,783,513.04
Total Expenditures (All Funds)	$138,895,123.15

TABLE 2

SIGNIFICANT TRENDS IN THE GROWTH OF FLORIDA SCHOOLS UNDER DUAL SYSTEM OF EDUCATION 1930 TO 1953

	1930-31	1940-41	1947-48	1952-53
Average Daily Attendance:				
White	203,002	240,388	272,084	380,800
Negro	74,785	87,570	96,503	118,162
Average Annual Salary:				
White	$907	$1,202	$2,770	$3,457
Negro	403	605	2,191	3,215
Teacher Preparation (Per Cent Four Years or More):				
White	38.81%	61.48%	76.72%	95.62%
Negro	15.18	31.90	62.53	94.74
Current Expenses Per Pupil in ADA (All Funds):				
White	$61.26	$72.40	$175.14	$209.42
Negro	17.91	28.80	110.39	176.24
Capital Outlay Per Pupil in ADA (All Funds):				
White	$3.12	$7.36	$42.60	$54.92
Negro	0.35	0.57	10.65	60.09
State Aid Per Pupil in ADA:				
Both Races	$15.28	$39.60	$106.70	$123.39

TABLE 3

ENROLLMENT
(Includes Kindergarten and Junior Colleges)

Year	White	Negro	Total
1953-54	507,276	143,009	650,285
1952-53	467,762	135,903	603,665
1951-52	428,405	129,695	558,100
1950-51	401,083	126,091	527,174
1949-50	375,295	120,368	495,663

The over-all rate of growth during the past two years has been more than 8%; (9% for white pupils; 5% for Negro pupils.)

TABLE 4

COMPARISON OF PERCENTILE RANKS FOR WHITE AND NEGRO EXAMINEES IN THE FLORIDA STATEWIDE TWELFTH-GRADE TESTING PROGRAM SPRING 1949 THROUGH SPRING 1953

White Percentile Rank	Corresponding Percentile Rank for Negroes					
	Psychological (General Ability)	English	Social Studies	Natural Science	Mathematics	All Five Tests
01	31.4	18.8	15.6	11.2	09.8	17.36
05	57.4	50.4	44.8	32.4	33.0	43.60
10	70.8	67.4	60.4	50.0	46.8	59.08
20	82.8	81.6	78.4	69.8	67.2	75.96
30	88.6	88.6	86.4	80.2	79.2	84.60
40	92.6	93.0	91.4	87.8	86.2	90.20
50	95.4	95.6	94.4	92.4	90.6	93.68
60	97.2	97.0	96.4	95.0	94.4	96.00
70	98.2	98.0	97.6	97.0	96.4	97.44
80	98.75	99.0	98.6	98.4	97.25	98.40
90	99.0		99.0	98.5	98.5	98.75
95				99.0	99.0	99.0

Number of Seniors Tested: White—69,909
Negro—10,675

TABLE 5

COUNTIES WITH NO NEGRO HIGH SCHOOL — 1952-53

County	NEGRO		WHITE			
	Elem. ADM (1-6)	Est. 7-12 ADM Based on Ratio of .50	No. and Grade of Hi School	ADM (7-12)	Capacity	Space Available
1. Baker	288	144	3(1-12)	499	660[1]	161
2. Charlotte	70	35	1(1-12)	234	300[1]	66
3. Dixie	68	34	1(7-12)	300	330[2]	30
4. Glades	102	51	1(1-12)	119	180	61
5. Hardee	136	68	1(9-12)	803	890	87
6. Holmes	104	52	4(1-12)	1222	1080	....
7. Lafayette	42	21	1(7-12)	283	330[1]	47
8. Union Co. Hi.	230	115	1(1-12)	255	280	25

1. Allows 60 additional capacity for Homemaking, Science, Agriculture, and Physical Education facilities.
2. Allows 90 additional capacity for Agriculture, Science, Homemaking and Gymnasium facilities.

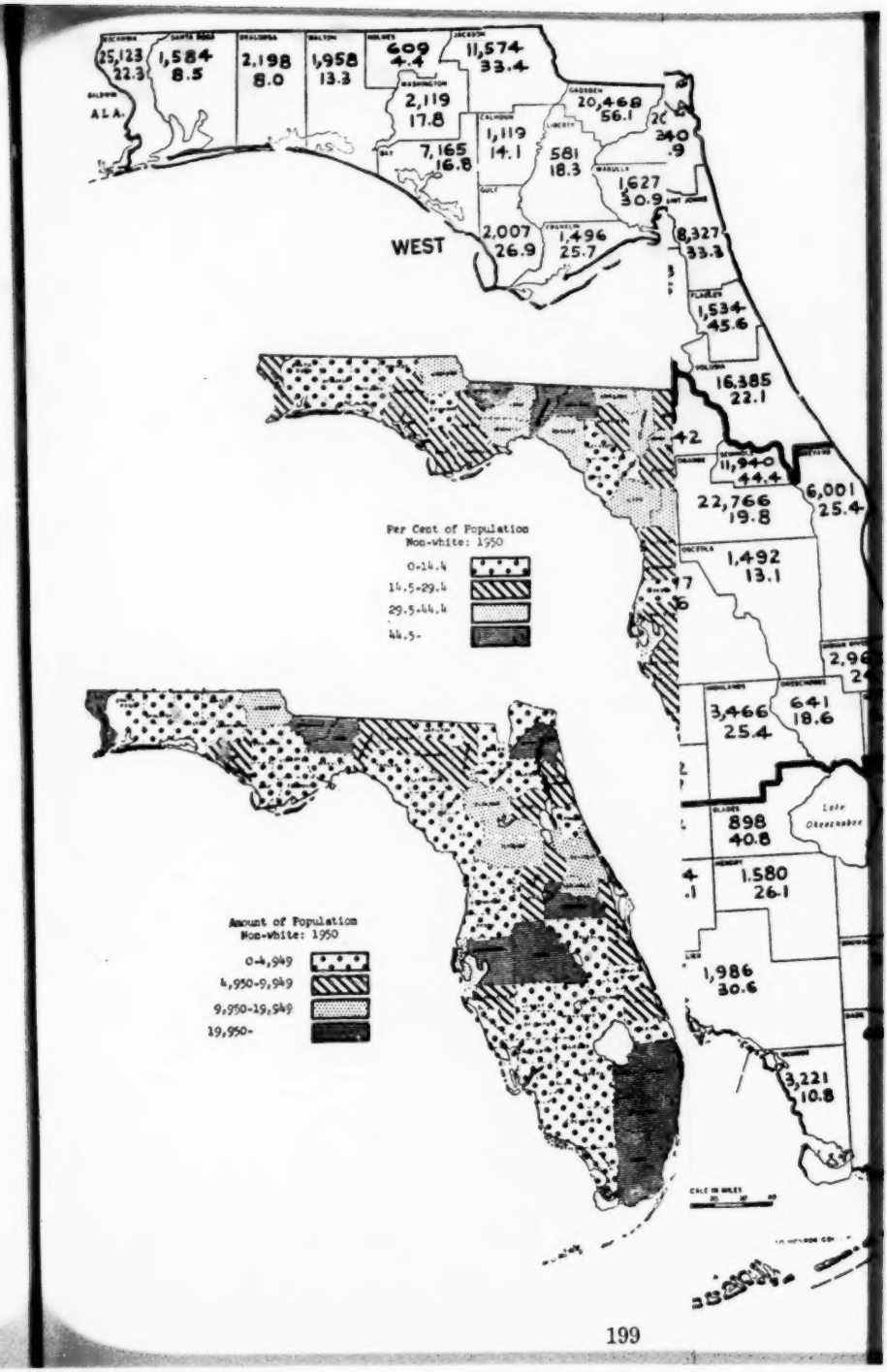
TABLE 6

STATUS OF ELEMENTARY PRINCIPALS* 1953-54

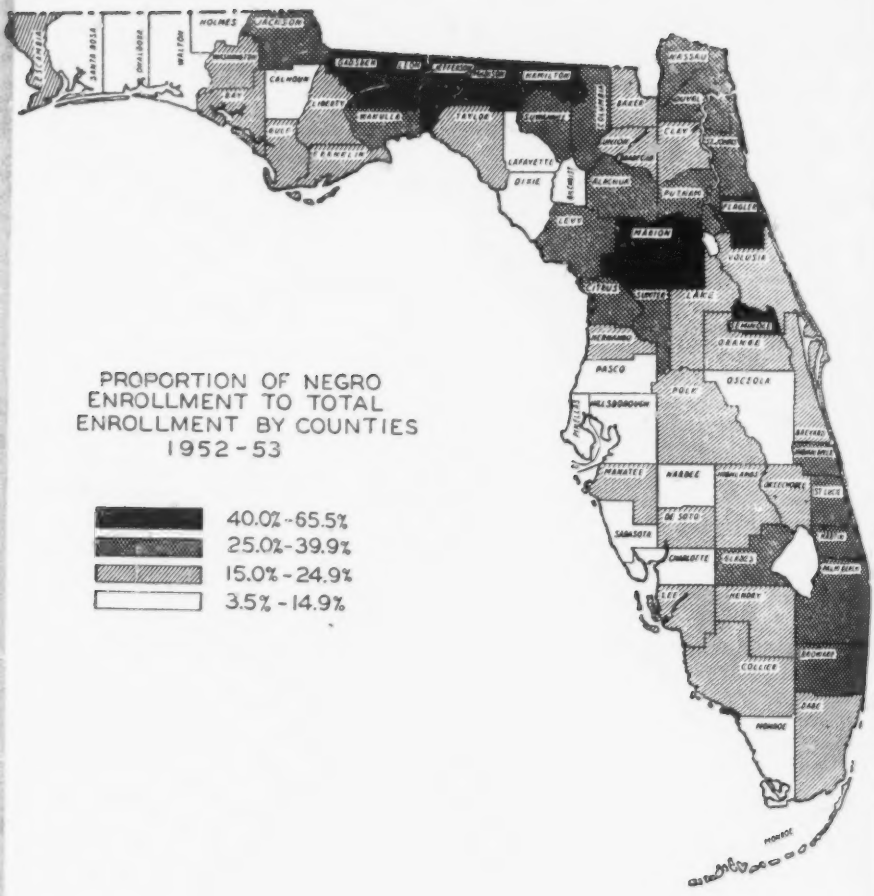
(Percentage)

	Male		Female	
	W	N	W	N
Training				
Rank I	9.60		6.19	
Rank II	68.80	46.15	55.75	46.90
Rank III	20.00	51.30	36.28	53.12
No Information	1.60	2.60	1.76	
Number	125	39	226	32
Years as Principal				
0	1.60		.90	
1 - 5	45.60	30.80	31.85	25.00
6 -10	17.60	33.33	22.12	21.90
11-15	12.80	15.40	16.81	18.80
16-20	8.00	15.40	8.84	15.62
21-25	4.80	2.60	8.84	3.12
26-Over	9.60	2.60	9.73	15.62
No Information			.90	
Number	125	39	226	32
Salary 10 Months (Dollars)				
2500-2999	1.60	2.60		
3000-3499	.80	17.94	1.32	
3500-3999	9.60	17.94	3.53	12.50
4000-4499	19.20	15.40	18.60	18.80
4500-4999	12.80	10.25	22.12	25.00
5000-5499	20.80	17.94	28.80	12.50
5500-5999	16.80	10.25	11.06	12.50
*Not Applicable (12 mos.)	16.80	5.12	10.61	18.80
No Information	1.60	2.60	4.00	
Number	125	39	226	32

*Compiled by Sara DeKeni, School of Education, Florida State University.



FOLLOWING FOLDOUTS TO LARGE TO BE FILMED



An Intensive Study in Dade County and Nearby Agricultural Areas ...and Conclusions*

GENERAL CONCLUSIONS

A majority of those polled believed that most of the white population of Dade County are opposed to the Court's decision as a matter of principle. There seems to be reason to believe, however, because of the relative lack of discussion about the decision and its attendant problems and of the calm acceptance of the decision itself that the attitude on the part of many is not a deep-seated, emotionally formed one. If the process of integration is handled gradually (after a few years of preparation) and wisely and with firm leadership, a very large majority of this group will abide by the decision. The distinct possibility remains that many of this group with loosely formed convictions can be driven into active opposition by early and abrupt transition.

Some reluctance has been noted on the part of the School Board and other public officials to plan and lead, and on the

* Prepared by Dr. D. R. Larson, Dr. Edward Sofen, and Dr. T. J. Wood, Government Department, University of Miami.

part of the newspapers to encourage the same. The problem of obtaining leadership outside official circles for the transitional steps will be made more difficult by the tendency or perhaps organized campaign of the more violent pro-segregationists to identify such leadership with the Communist Party. On the other hand, a number of ministers have indicated that they will advise their congregations to follow the Court's decision.

Virtually complete agreement exists among those polled as to the most explosive area—the northwest section of the county which is low in the white socio-economic strata and which contains the greatest percentage of southern-born whites. The elected officials foresaw the next greatest amount of trouble (although not violent in nature) from those communities such as Coral Gables and Miami Shores which are high on the socio-economic scale. Community leaders, the teachers, newsmen, police and labor leaders failed to mention this in any significant numbers; this failure may be explained in part by disposition to think of difficulties only in terms of violence.

Almost all elected officials, journalists, police chiefs and labor leaders agreed that serious violence in several areas was inevitable if large-scale integration were to be attempted within the next year or two; such violence would be perpetrated by a small segment of the population and would take the form of the bombing of homes, hit-and-run shooting and individual beatings rather than lynchings and other more openly organized activities. Among the community leaders there was less unanimity, although a majority expects violence in some form in the most difficult areas.

Roughly half of the above categories of interviewees believed that some scattered violence was inevitable no matter how slowly the integration was accomplished. Only

33% of the teachers expect violence under such circumstances.

These same categories thought that boycotts in all parts of the County were inevitable whenever integration was undertaken but few estimates were made of their dimensions. A substantial move toward private schools among the well-to-do was agreed upon. There was a marked absence of mention of the Byrnes-Talmadge Plan of removing the state's direct connection with education; only a few of those who expressed personal opposition to the decision thought that this was a practical solution.

The consensus of the various categories of whites polled with regard to the attitude of the Negro population on the timing of integration is that a gradual approach over a period of several years is desired. Although Negro school teachers are not a representative cross-section of the Negro population, it should be noted that by an extremely large majority they wanted speedier integration and that they reported, although by a smaller majority, that their students agreed.

The small sampling of Negro leaders indicates that most of the hitherto effective Negro leaders are prepared not to demand, by means of suits or otherwise, immediate action if there is indication on the part of the state and local officials that they are planning in good faith and with reasonable promptitude the method of implementation decreed by the Supreme Court.

Although no such specific question was posed, significant numbers in all categories minimized the difficulties that might arise among the younger children; but it was recognized that violent parental attitudes might change the situation radically. At the same time the belief was widely expressed that social activities in junior and senior high schools would give rise to considerably more trouble, if

not among the students, then certainly among the parents. Any consideration of a scheme to initiate integration in the first grade would be forced to take into account the fact that among the white teachers polled the first grade teachers were most resistant to the idea of integration.

The two special agricultural areas checked must be considered a problem of an entirely different order owing to the high concentration of Negroes, the Negroes' low socio-economic status, and the relative absence of whites drawn from northern metropolitan areas. The feeling against the Negro, particularly in one of these areas is more intense and more structured than that in the Greater Miami area.

Factors Indicating a Gradual Approach as the Solution to this Problem

1. Despite the fact that a majority of the white population of Dade County is opposed to the Court decision as a matter of principle, they nevertheless indicate that they will abide by the decision if integration is handled gradually, with an adequate period of preparation.

2. The present reluctance to assume positive leadership on the part of public officials and of any substantial number of groups outside official circles indicates great difficulty if an attempt is made to move too quickly.

3. A general belief exists that serious violence will occur if the decision is pushed by any minority group, white or colored.

4. A similar belief that some violence is inevitable no matter how gradual the transition, but with a firm belief that the more gradual the transition the more moderate and less frequent would be the outbreaks of violence.

5. In spite of some interracial activity among school personnel, it is a fact that Negro and white teachers have

never met together in Dade County—not even for "Fellowship Day." Interracial cooperation through joint activity would seem to be a must before school integration could be put into operation.

6. Many leaders interviewed agreed that if the NAACP, or any other organized groups, should seek to push the decision by test cases this fall immeasurable harm would be done to the entire cause of the integration of the schools.

7. With a majority of white population disagreeing with the Supreme Court's decision in principle, a state legislator was, without question, correct when he said that what is needed is a "mental change" in the community. Such changes obviously require time.

8. A small minority in the Negro community, without question, opposes integration in the schools. Others who strongly favor the decision in principle are concerned about the practical problems of the decision as it affects Negroes. A gradual solution would thus ease the tension experienced by both these groups of Negroes.

9. A sizeable percentage of the Negro leadership group checked stated that they believe a gradual approach is best. They would accept this gradual approach as long as the white community acts in good faith and with reasonable speed toward a solution.

10. Research indicates that in the two special South Florida agricultural areas checked the problems of community acceptance and general leadership make the problem of integration even more difficult than in the metropolitan area, and thus these two sections must be granted an opportunity to proceed more slowly and perhaps in an entirely different manner.

11. The greatest difficulty in integration would probably be caused at the junior and senior high school levels due to

social activities and athletic and other extracurricular events. Time allowed for preparation for integration would permit the gradual use of non-social, extracurricular activities as a way of preparing students for eventual school integration.

12. Up to 60% of the white teachers polled favored a long transitional period, and another 20-30% favor at least a one or two year period of adjustment.

13. The School Board and top school administrative personnel in the school system have given little attention to the problems raised by the decision and would require time to simply handle the mechanical problems involved in the transition. It would also give these groups time to develop positive leadership which will be required for a peaceful and smooth transition.

14. The need for careful preparation in the process of integration was urged again and again by all groups polled. It is agreed that leadership and proper educational preparation will be all-important in a transition of this nature. Both require time for full development.

Acknowledgments

To complete a survey of the scope of this *Study of the Problems of School Desegregation in Florida* in less than three months was a task demanding the utmost effort on the part of many people. The time-table during the entire period of the research was such that a delay or a mistake in even the simplest task could prove disastrous. It is a tribute to the untiring diligence of everyone connected with the project that no such disaster occurred, and acknowledgment of their separate contributions is highly appropriate.

At all stages of the research, the members of the Research Advisory Committee, all of them busy with important duties, contributed of their time and their best thinking to make this a sound piece of research. The committee included:

Mr. Richard W. Ervin, Attorney General (Ex Officio)
Mr. Thos. D. Bailey, State Superintendent of Public Instruction (Ex Officio)
Mr. Ralph E. Odum, Assistant Attorney General
Dr. Ralph Eyman, Dean, School of Education, Florida State University
Dr. Sara Lou Hammond, School of Education, Florida State University
Mr. Robert Gates, Department of Education
Dr. Robert E. Lee, Department of Education
Mr. Ed Henderson, Executive Secretary, Florida Education Association
Dr. Gilbert Porter, Executive Secretary, Florida State Teachers Association
Dr. J. B. White, Dean, School of Education, University of Florida
Dr. Manning J. Dauer, Department of Political Science, University of Florida
Dr. Don Larson, Department of Political Science, University of Miami
Dr. George Gore, President, Florida Agricultural and Mechanical University
Mr. Angus Laird, Director, State Merit System
Dr. Richard Moore, President, Bethune-Cookman College
Dr. R. L. Johns, School of Education, University of Florida

Dr. Mode Stone, School of Education, Florida State University
Mr. D. E. Williams, Department of Education
Dr. T. J. Wood, Department of Political Science, University of Miami
Dr. Lewis M. Killian, Department of Sociology, Florida State University (Coordinator of Research)

Some members of the committee made further contributions to the study. Dr. Larson and Dr. Lee prepared reports which constitute important subsections of the study, and Dr. Dauer prepared an independent report on the experience of other states with desegregation. Dean Eyman, Dean White and President Gore, as well as President Doak S. Campbell, of The Florida State University, released much-needed members of their staffs to assist in the research at various times. Dr. Robert Gates was a constant source of advice and support to the Coordinator.

A special debt is owed to Mrs. Fay-Tyler M. Norton, who served as Assistant Coordinator and Statistical Consultant for the entire period of the research. Her contribution was far greater than the tasks called for in her contract with the Committee, and without her the study could not have been completed.

Dr. J. A. Norton and Dr. Malcolm Parsons, of the School of Public Administration, the Florida State University, conducted the study of Negro voting registration while carrying full teaching loads at the University, but with no additional compensation.

Voluntarily making a vital contribution, as a public service, were Prof. Robert McGinnis and Dr. John Haer of the Sociology Research Laboratory, the Florida State University. Under their direction the laborious task of punching both the questionnaire and the interview data on IBM cards and tabulating these data was carried out.

The field interviewers who worked in ten selected counties, all public school workers drawn away from other important duties and asked to work without personal compensation, revealed a fine sense of duty. The manner in which they carried out their important part of the study indicates that they were well chosen. These interviewers are:

Edwin G. Artest, Tampa
Henry W. Bishop, Gainesville
Mrs. Patricia Carter, Gainesville
John B. Cox, Tampa
Paul F. Davis, Bradenton
Thomas J. Hill, Gainesville
Leroy G. Hooks, Clearwater

Elton L. Jones, Ocala
R. LeRoy Lastinger, Bartow
Mills Lord, Orlando
Julian E. Markham, Sebring
Thord Marshall, Tallahassee
William J. McEntee, Gainesville
Erby Nixon, Panama City
Willie J. Reid, Pensacola
C. C. Washington, Panama City

At a critical point in the study, a small team of workers was called upon to put forth an almost impossible effort in coding a large mass of interview data just received from the field. At great personal sacrifice, they rose to this demand, completing the task in an incredibly short time. One member of this team, Dr. C. U. Smith, of Florida A. and M. University, had already made an important contribution in helping to brief the interviewers before they went into the field. The team of analysts included, in addition to Dr. Smith, the Coordinator of Research, and Mrs. Norton, the following people:

Mr. Robert Gates, State Department of Education
Dr. Robert E. Lee, State Department of Education
Mr. James Condell, Florida A. and M. University
Dr. Henry Cobb, Florida A. and M. University
Mr. Henry Warner, Florida A. and M. University

Mrs. Lillian Walker and Miss Winifred Kitching, of the Office of the Attorney General, shouldered without complaint the additional burden of the major part of the clerical and accounting work incidental to such a comprehensive study. Their contributions were just as vital as those of any of the professional research staff.

Working far harder than they may have expected to when they accepted summer employment, the following young ladies in the Office of the Attorney General did a vast amount of detailed and often dull clerical work for which the research staff is indebted. It is entirely fitting that the youth of Florida should have played a significant part in this public service. These young ladies, all high school or college students, are:

Miss Kathleen Kirk
Miss Maribelle Garris
Miss Pat Gunn
Miss Sonya Fletcher
Miss Bessie Carol Johnson
Miss Barbara Curtis
Miss June Lasseter

A key figure in this project from the moment of its inception has been Mr. Ralph Odum, Assistant to the Attorney General. In addition to expediting the work of the professional research staff, he has contributed his sound thinking to every phase of the study.

Finally, the Committee is deeply indebted to Attorney General Ervin, Superintendent Bailey, and their colleagues of the State Cabinet for making it possible for us to apply our knowledge and skills, as educators and scientists, to the study of this momentous problem.

LEWIS M. KILLIAN
Coordinator of Research

(Appendix B)

Examples of Florida's Constitutional, Statutory and State School Board Regulatory Provisions Relating to Segregation

Article XII, Section 1:

Uniform system of public free schools.—The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same.

Article XII, Section 12:

White and colored; separate schools.—White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

228.09 Separate schools for white and negro children required.—The schools for white children and the schools for negro children shall be conducted separately. No individual, body of individuals, corporation, or association shall conduct within this state any school of any grade (public, private, or parochial) wherein white persons and negroes are instructed or boarded in the same building or taught in the same classes or at the same time by the same teachers.

229.07 General powers of state board.—Except as limited in the school code, the state board shall have the authority, and when necessary for the more efficient and adequate operation of the state system of public education in carrying out the purposes and objectives of the school code, the state board shall exercise the following general powers:

(1) DETERMINE POLICIES.—The state board shall determine and adopt such policies as are required by law and as in the opinion of the state board are necessary for the more efficient operation of any phase of public education.

* * * *

(3) PRESCRIBE MINIMUM STANDARDS.—Whenever the establishment of minimum standards will aid in providing adequate educational opportunities and facilities, the state board shall adopt such minimum standards for any phase of education as are considered desirable by it in carrying out the provisions of the school code.

229.08 Duties and responsibilities of state board.—It shall be the responsibility of the state board to exercise all powers and perform all duties prescribed below:

* * * *

(20) PRESCRIBE MINIMUM STANDARDS AND RULES AND REGULATIONS.—To prescribe such minimum standards and rules and regulations as are required by law or as are recommended by the state superintendent in accordance with the provisions of subsection (20), §229.17, and as it may find desirable to aid in carrying out the purposes and objectives of the school code.

* * * *

(23) OTHER RESPONSIBILITIES. — To assume such other responsibilities and to exercise such other powers and perform such other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purposes and objectives of the school code.

229.16 General powers of state superintendent.—The state superintendent shall have the authority, and when necessary for the more efficient and adequate operation of the state system of public education in carrying out the purposes and objectives of the school code, the state superintendent shall exercise the following general powers:

* * * *

(5) RECOMMEND AND PUT INTO EFFECT MINIMUM STANDARDS.—From time to time to prepare, organize by subjects, and submit to the state board for adoption such minimum standards relating to the operation of any phase of the state system of public education as, in his opinion, will aid in assuring more adequate educational opportunities for all, and to see, insofar as practicable, that such minimum standards as are adopted by the state board are put into effect and are properly observed.

229.17 Duties and responsibilities of state superintendent.—It shall be the responsibility of the state superintendent to exercise all powers and perform all duties prescribed below; provided, that in those fields in which policies are required by law to be approved by the state board the state superintendent shall act as the advisor and executive officer of the state board.

* * * *

(20) MINIMUM STANDARDS AND RULES AND REGULATIONS.—To prepare, organize, and recommend to the state board such minimum standards and rules and regulations in the following fields as are required by law or as he may find necessary to aid in carrying out the purposes and objectives of the school code; and to execute such standards and rules and regulations as are adopted by the state board in the following fields: (1) establishment, organization, and operation of schools, agencies, services, and institutions, including the classification or accreditation of parochial, denominational, and private schools; (2) personnel; (3) child welfare; (4) courses of study and instructional aids; (5) transportation; (6) school plant; (7) finance; (8) records and reports.

* * * *

(28) OTHER RESPONSIBILITIES. — To assume such other responsibilities and to perform such other duties as may be assigned to him by law or as may be deemed by him to be necessary to aid in the more efficient operation of the state system of public education in carrying out the purposes and objectives of the school code.

230.23 Powers and duties of county board.—The county board acting as a board shall exercise all powers and perform all duties listed below:

* * * *

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the ex-

ecution of plans for the establishment, organization, and operation of the schools of the county, as follows:

(a) *Schools and attendance areas.*—Authorize schools to be located and maintained in those communities in the county where they are needed to accommodate as far as practicable and without unnecessary expense all the youth who should be entitled to the facilities of such schools, separate schools to be provided for white and negro children; and approve the area from which children are to attend each such school, such area to be known as the attendance area for that school; provided, that only under exceptional circumstances as defined under regulations of the state board may an elementary school be located within four miles of another elementary school and a high school within ten miles of another high school in rural areas for children of the same race.

239.41 Value of general scholarships.—Each scholarship for the preparation of teachers shall have a value of four hundred ($400.00) dollars each year and shall be awarded in the following manner:

* * * *

(2) In accordance with these requirements, the principals and county superintendents of each county shall select and recommend, on the basis of merit, a number of high school graduates who are bona fide residents of the State of Florida, as defined in section 97.041, Florida Statutes, which shall be proportionate to the white or Negro population in the county and who are interested in teaching and whose work and qualifications are such as to indicate that they possess the qualities which should be possessed by a successful teacher; provided that each county shall have at least one scholarship for a Negro student.

Adopted April 27, 1954
Section 236.04 (10)

State Board Regulation
relating to

THE CALCULATION OF INSTRUCTION UNITS AND SALARY ALLOCATIONS FROM THE FOUNDATION PROGRAM

(Repealing regulation adopted June 16, 1953)

Instruction units and salary allotments from the Foundation Program will be calculated separately for white and Negro schools.

No county will receive a greater allotment for salaries for either race than the salaries actually paid the teachers of that race or the calculated amount for that race based on instruction units and training, whichever amount is smaller.

In applying the provisions of Section 236.04 (10), providing that 95% of instructional units allocated to a county must be filled, the units calculated for each race will be considered separately, and 95% of the instructional units for each race must be filled.

Adopted March 21, 1950
Section 236.04 (7)

State Board Regulation
relating to
ADMINISTRATIVE AND SPECIAL INSTRUCTIONAL SERVICE

(Adopted in accordance with the provisions of Section 236.04 (7), Chapter 23726, Laws of Florida, Acts of 1947)

1. *Eleventh and Twelfth Month Personnel.*

Each county superintendent shall file with the State Superintendent on or before May 15 of each year Form A for the use of its administrative and special instructional service personnel. In addition, the county superintendent shall file a plan for the 11th and 12th month program which includes for each race the title and duties assigned for each such unit. Any revision in the plan submitted must be approved by the State Department of Education.

On or before October 1, each county superintendent shall file with the State Superintendent a complete description of the program which operated during the 11th and 12th months, including for each race the title, name, certificate number, rank and duties of each person employed through the use of administrative and special instructional service units.

Ten Months Personnel.

On or before August 15 of each year the county superintendent shall file with the State Superintendent a plan for use of ten months personnel service units (Form C) which includes for each race the title and duties assigned for each such unit together with name, certificate number, and rank of the individual filling the position. Any proposed revision

in plans for use of ten months personnel shall be submitted by January 15 of each year.

2. Any administrative and special instructional service units to which a county is entitled under Section 236.04 (7), Chapter 23726, Laws of Florida, Acts of 1947, which is not used in accordance with regulations prescribed by the State Board of Education shall be deducted either in the current or the succeeding fiscal year as provided in Section 236.07 (9-e), Chapter 23726, Laws of Florida, Acts of 1947.

Adopted March 21, 1950
Section 236.04 (8)

State Board Regulation
relating to

UNITS FOR SUPERVISORS OF INSTRUCTION

(Adopted in accordance with the provisions of Section 236.04 (8), Florida Statutes as amended by Section 29 of Chapter 23726, Laws of Florida, Acts of 1947)

1. *Application for Instruction Units for Supervisors.*

a. Each County Board shall file through the County Superintendent an application for using instruction units for supervision. This application shall be filed on forms provided by the State Superintendent on or before May 15 of each year.

b. Approval of any application for instruction units for supervision may be given by the State Superintendent when a satisfactory administrative plan for the use of such units (or desirable modification of the initial plan submitted) shall have been developed and approved jointly by the County Superintendent and the State Superintendent which will insure the most effective and economical expenditure of funds. Application for use of state funds for supervisory

services must include: first, provision for general supervision over the common branches of study in all the elementary and secondary grades. Included as a part of the administrative plan for supervision prescribed above, the County Superintendent shall file brief statements outlining (1) the duties to be performed by the supervisor(s); (2) the total annual salary and number of months of employment (in case of a general supervisor(s) this must be twelve months and of special supervisor(s) at least ten months; (3) the amount to be paid for travel; (4) the qualifications of the supervisor who is to be employed.

c. Instruction units for supervisory purposes may be tentatively allocated if the administrative plan for the use of such units required in the preceding section is satisfactory, even though the nomination of the person(s) to fill the supervisory position(s) is pending.

2. *Administrative Plan for Employment of Supervisory Personnel.*

In arriving at a satisfactory plan for supervision in any county, the County Superintendent and the State Superintendent shall select one of the following plans which best fits the needs of the county involved:

a. Single-County Plan

(1) For General Supervision

(a) The instruction unit to which each county is entitled for the employment of a general supervisor may be used for the employment of one person who will have general supervision of white and Negro schools.

(b) The additional instruction units available for supervision, if any, may be used for the employment of separate general supervisors for white and Negro schools, or for some area or special supervisors.

(c) In counties earning fifty teacher units or less, one

person may be employed to perform the functions of both supervisor of instruction and supervising principal of a school center.

Any person employed as combined general supervisor and supervising principal must be properly certificated for both positions, i.e., hold a Rank II or higher certificate covering both elementary and secondary administration and supervision.

(2) For Special Subject or Field Supervision

(a) Counties entitled to supervisory units in addition to the one reserved for general supervision may use such extra units for employment of additional supervisors, provided, one supervisor shall be employed for each of the units used and provided further that not more than one supervisor in any special subject field may be employed in a county.

b. Joint-County Plan

(1) For Counties Having Not More Than One Supervisory Unit:

Any two or three contiguous counties entitled to not more than one unit each for supervision may submit a cooperative proposal for the joint employment of a supervisor or supervisors in accordance with one or more of the following plans:

(a) Cooperative Plan for General Supervision

Such counties may employ jointly one general supervisor for work with both white and Negro schools; or may employ separate general supervisors for white and Negro schools, provided the cooperative arrangement would not result in any general supervisor's carrying a total load of over 75 teachers.

(b) Cooperative Plan for Special Subject or Field Supervision

After providing for general supervisors, counties may use the remaining supervisory units to which they may be entitled for the purpose of cooperatively employing supervisors in special area or subject fields, provided that not more than one unit from any individual county may be so used for employment of any one supervisor.

(c) Cooperative Plan for School Lunch Supervision

In counties having less than ten school lunch programs, the plan for supervision may be as follows:

Two or three counties may employ a school lunch supervisor on a joint county plan provided that no school lunch supervisor may be responsible for more than thirty school lunch programs.

(2) For Counties Having More Than One Supervisory Unit

After providing independently for general supervision, such counties may use supervisory units beyond the first unit for cooperative employment of special supervisors in accordance with section 2-b-(1)-(b) above.

3. *Salaries and Travel Expense of Supervisors.*

a. Supervisors shall be paid the basic salary schedule of the county for teachers based upon training, experience, and employment on either a ten or twelve months basis plus an appropriate supplement in keeping with the duties and responsibilities of the position.

b. The amount to be paid to the supervisor for travel must be adequate in terms of the territory and number of schools to be served and shall be fixed by the County Board of Public Instruction in accordance with the joint recommendation of the County Superintendent and the State Superintendent.

Adopted May 29, 1951
Section 230.23 (6)

State Board Regulation
relating to

ESTABLISHMENT, ORGANIZATION AND OPERATION OF SMALL SCHOOLS

(Repealing Regulation adopted March 21, 1950, page 24)

1. No school with an average daily attendance of less than ten pupils in the elementary, junior or senior high school grades may be continued in operation through the use of Minimum Foundation Program funds except when such school is so isolated that transportation of the pupils to another school would not be feasible because of distance, road conditions, or excessive expense, or except when pupils cannot be provided with equivalent or better educational facilities in another school. If a school is to be operated as an isolated school, an application for such operation must be filed with the State Superintendent at least one month before any Minimum Foundation Program funds may be used for the school, giving all facts which may be required as a basis for approval. Approval for the operation of an isolated school will be granted by the State Superintendent of Public Instruction only after consideration of all the facts.

Adopted July 3, 1947
Section 230.34 (8)

State Board Regulation
relating to

SCHOOL ADVISORY COMMITTEES

(Adopted in accordance with the provisions of section 230.34 (8), Chapter 23726, Laws of Florida, Acts of 1947)

If the county board of a county exercises its discretion and determines to set up School Advisory Committees, the following regulations shall apply:

1. The county may be divided into school community areas for each race in accordance with the attendance areas for each school community for each race, or the Board may divide the county into school community areas which areas encompass the schools for both races.

2. Members of the School Advisory Committee may be selected for any school community area by either of the following methods as may be determined by the county board:

a. The Board may provide for the selection of members of the School Advisory Committee at a community meeting called in each school community area at the place designated by the Board of Public Instruction; the hour, the date and place of such meeting to be advertised at least once, at least one week before the meeting in a paper published in the county or in some paper of general circulation in the county.

b. The School Advisory Committee may be appointed by the school board either from lists submitted by a community meeting or directly by the board.

3. If the Board determines that the School Advisory Com-

mittee shall be selected at a community meeting called in the school community area as prescribed above, parents or guardians of children attending school in the school community area and adult residents of such area shall be entitled to vote for members of the School Advisory Committee.

4. Any adult residing in a school community area is eligible to be selected as a member of the School Advisory Committee.

5. If the Board determines to select School Advisory Committees by the community meeting method, the Board shall determine the time, place, and hour of the meeting but the date selected must be between September 1 and December 31 preceding the January 1 on which School Advisory Committees take office.

6. The members of the School Advisory Committee shall exercise and perform such duties as are prescribed in Section 230.34 (8) of Chapter 23726, Laws of Florida, Acts of 1947.

7. The supervising principal or principal shall serve as secretary of the School Advisory Committee.

Adopted March 21, 1950
Section 236.02 (4)

State Board Regulation
relating to

QUALIFICATIONS, DUTIES AND PROCEDURE FOR EMPLOYMENT OF SUPERVISORS OF INSTRUCTION

(Adopted in accordance with the provisions of Section 236.02 (4), Chapter 23726, Laws of Florida, Acts of 1947)

1. Types and Qualifications of Supervisors

In addition to the objective standards set forth below, all persons employed as supervisors should possess the many intangible qualifications necessary to success in supervisory work.

a. General Qualifications

(1) Age—To be eligible for initial appointment the supervisor shall be between the ages of 25 and 55 years.

(2) Physical Fitness—To be eligible for initial appointment the supervisor must have passed satisfactorily a physical examination given by a regular practicing physician and must have filed a report of such examination on the form now adopted by the State Board of Health; at the discretion of the State Superintendent the applicant may be required to take a special examination given by a physician designated by the State Board of Education.

(3) Leadership and Personal Characteristics—Each applicant for a supervisory position must file with the County Superintendent and the State Superintendent a completed application form setting forth experience, leadership activities, personal characteristics, and other items as may be included on a form prescribed and adopted by the State Board of Education.

b. Special Qualifications* (see note)

(1) Qualifications of General Supervisors

General Supervisors shall meet the following requirements:

(a) Hold a valid teaching certificate, graduate or above, having on face thereof, "Administration and Supervision," covering both elementary and secondary levels.

Temporary approval may be given for a general supervisor who does not meet certification requirements in full, provided, a plan for securing full certification within two years is filed and carried out.

(b) Have five years successful experience including teaching and/or administrative and supervisory responsibility, at least two years of which experience shall have been completed within the five years immediately preceding appointment to a supervisory position.

(c) Beginning supervisors shall hold a certificate of Rank II or above in accordance with Section 236.07 (1), Chapter 23726, Laws of Florida, Acts of 1947.

(2) Qualifications of Supervisors at the Elementary or Secondary School Levels.

Supervisors whose duties are limited to the elementary or secondary school levels shall meet the following requirements:

(a) Hold a valid teaching certificate, graduate or above, having on the face thereof "Administration and Supervision" covering the level to be supervised.

(b) Have five years successful experience including teach-

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* Requirements here set forth are to be considered a minimum and every effort shall be made to secure the services of persons with much higher types of qualifications and experience. When a supervisor is appointed who meets only minimum requirements he shall be required to make every effort to improve his qualifications consistent with the proper performance of the duties to which assigned.

ing and/or administrative and supervisory responsibility, at least two years of which experience shall have been completed within the five years immediately preceding appointment to a supervisory position. At least three years of the experience shall have been in the level to be supervised and the degree upon which certificate is issued shall have included the special level to be supervised as a major field of training.

(c) Beginning supervisors shall hold a certificate of Rank II, or above.

(3) Qualifications of Supervisors of Special Subjects or Special Programs.

(a) Hold a valid teaching certificate, graduate or above, or its equivalent, in the field for which responsibility is given.

(b) Five years successful experience as a teacher, administrator, or supervisor in the field for which responsibility is given, at least two years of which shall have been completed within the five years immediately preceding appointment to the supervisory position.

(c) Academic specialization shall have included the field to be supervised and the field of education including at least six semester hours in curriculum and supervision.

2. Duties of Supervisors.

a. Persons employed through the use of supervisory units shall give full time to working with teachers, principals, and other school personnel in the field of instruction. Under no circumstances will administrators or administrative assistants be certified from supervisory units.

b. In counties not employing a supervisor of Negro schools the general supervisor shall have his services equitably apportioned among the schools (white and/or Negro) in the one or more counties by whom he is employed.

c. General supervisors shall be paid and subject to duty on a twelve months basis, and special supervisors on not less than a ten months basis. Supervisors shall attend all conferences called by the State Superintendent of Public Instruction which are related to the satisfactory performance of supervisory duties.

d. Supervisors shall make such periodic reports relative to their plans and accomplishments as may be required by the Division of Instruction of the State Department of Education.

3. Procedure for Employment of Supervisors

a. The employment of persons to fill supervisory positions in a county shall follow the procedure prescribed by law and by State Board Regulations for other instructional personnel up through the point where the County Board of Public Instruction has approved the nomination of the individual concerned. The County Superintendent shall then certify the action to the State Superintendent of Public Instruction, furnishing all information necessary to enable the State Superintendent to present the matter to the State Board of Education for approval or disapproval. The action of the State Board of Education shall then be certified by the State Superintendent to the County Superintendent. In the event the State Board concurs in the action of the County Board, the County Board may then proceed with contracting for the services of the supervisor. In the event the State Board finds the individual not qualified or for other reasons rejects the nomination of the individual concerned, the County Superintendent shall initiate action to secure the nomination of some other individual qualified for the position.

b. The dismissal of persons in supervisory positions in a county shall follow the procedure prescribed by law and by State Board Regulations for other instructional per-

sonnel with the additional requirement that approval of the State Board of Education shall be necessary before the dismissal of any supervisor may be effectuated.

Adopted July 3, 1947
Section 236.04 (1) (2)

State Board Regulation
relating to

ISOLATED SCHOOLS

(Adopted in accordance with the provisions of Section 236.04 (1) and (2), Chapter 23726, Laws of Florida, Acts of 1947)

1. Instruction units for all non-isolated schools with less than 120 pupils in average daily attendance will be calculated by dividing the average daily attendance of such schools by 27.

2. *ISOLATED SCHOOLS.* Any school having less than 120 pupils in average daily attendance shall be considered an isolated school for the purpose of computing instruction units when any of the following conditions are found to exist:

a. *Elementary Schools*

(1) *School with 90 to 119 pupils inclusive in average daily attendance:* If it is more than six miles by the nearest passable road from another elementary school for the same race in which satisfactory facilities could be provided.

(2) *School with from 60 to 89 pupils inclusive in average daily attendance:* If it is more than eight miles by the nearest passable road from another elementary school for the same race in which satisfactory facilities could be provided.

(3) *School with 59 pupils or less in average daily attendance:* If it is more than ten miles by the nearest passable road from another elementary school for the same race in which satisfactory facilities could be provided.

(4) If more than 15% of the pupils to be transported would have to be on the bus for an average of more than one hour each morning or evening.

(5) Not more than one instruction unit shall be allowed for any one-teacher elementary school regardless of whether it is considered an isolated school; Provided, however, that an instruction unit will not be allotted for a school with an average daily attendance of less than nine, unless evidence is presented to the State Superintendent showing that consolidation of this school is impossible.

b. *Junior High Schools*

(1) *School with 90 to 119 pupils inclusive in average daily attendance:* If it is more than seven miles by the nearest passable road from another junior high school for the same race in which satisfactory facilities could be provided.

(2) *School with from 60 to 89 pupils inclusive in average daily attendance:* If it is more than nine miles by the nearest passable road from another junior high school for the same race in which satisfactory facilities could be provided.

(3) *School with 59 pupils or less in average daily attendance:* If it is more than eleven miles by the nearest passable road from another junior high school for the same race in which satisfactory facilities could be provided.

(4) If more than 25% of the pupils to be transported would have to be on the bus for an average of more than one hour each morning or evening.

(5) Unless a center has a ninth grade or is definitely organized as part of a high school it is to be considered

an elementary school for purposes of computing instruction units and determining isolation.

c. *Senior High Schools*

(1) *School with 90 to 119 pupils inclusive in average daily attendance:* If it is more than eight miles by the nearest passable road from another senior high school for the same race in which satisfactory facilities could be provided.

(2) *School with 60 to 89 pupils inclusive in average daily attendance:* If it is more than ten miles by the nearest passable road from another senior high school for the same race in which satisfactory facilities could be provided.

(3) *School with less than 59 pupils in average daily attendance:* If it is more than twelve miles by the nearest passable road from another senior high school for the same race in which satisfactory facilities could be provided.

(4) If more than 25% of the pupils to be transported would have to be on the bus for an average of more than one hour each morning or evening.

(5) Unless a center has a twelfth grade it is to be considered as a junior high school for purposes of computing instruction units and determining isolation.

3. *TEMPORARY ISOLATED SCHOOLS.* Any school having less than 120 pupils in average daily attendance shall be considered a *temporarily isolated school* for the purpose of computing instruction units when satisfactory facilities cannot be provided at another appropriate center within the distances prescribed above, or when the pupils cannot be transported because of road conditions; provided, however, no school will be considered as temporarily isolated because of lack of building facilities after July 1, 1948.

Adopted July 21, 1953
Section 239.38
239.41
239.42

State Board Regulation
relating to

THE DISTRIBUTION OF GENERAL SCHOLARSHIPS

1. In accordance with provisions of Sections 239.38, 239.41 and 239.42, Florida Statutes as amended by the 1953 Legislature, the following distribution of scholarships is established:

	White	Negro	Total
Alachua	16	7	23
Baker	7	1	8
Bay	17	4	21
Bradford	8	2	10
Brevard	13	3	16
Broward	21	7	28
Calhoun	7	1	8
Charlotte	5	1	6
Citrus	6	2	8
Clay	10	2	12
Collier	6	2	8
Columbia	11	2	13
Dade	54	10	64
DeSoto	8	1	9
Dixie	5	1	6
Duval	40	12	52
Escambia	27	6	33
Flagler	4	1	5
Franklin	6	1	7
Gadsden	10	9	19
Gilchrist	4	1	5

The Distribution of General Scholarships (Continued)

	White	Negro	Total
Glades	3	1	4
Gulf	7	1	8
Hamilton	7	2	9
Hardee	9	1	10
Hendry	6	1	7
Hernando	7	1	8
Highlands	9	2	11
Hillsborough	42	6	48
Holmes	11	1	12
Indian River	9	2	11
Jackson	12	6	18
Jefferson	6	4	10
Lafayette	4	1	5
Lake	15	4	19
Lee	13	2	15
Leon	15	8	23
Levy	8	2	10
Liberty	3	1	4
Madison	8	4	12
Manatee	15	3	18
Marion	13	6	19
Martin	6	2	8
Monroe	15	2	17
Nassau	9	2	11
Okaloosa	15	1	16
Okeechobee	4	1	5
Orange	28	5	33
Osceola	9	1	10
Palm Beach	24	9	33
Pasco	12	2	14
Pinellas	34	4	38
Polk	29	5	34
Putnam	12	3	15

The Distribution of General Scholarships (Continued)

	White	Negro	Total
St. Johns	12	4	16
St. Lucie	11	3	14
Santa Rosa	12	1	13
Sarasota	15	2	17
Seminole	11	5	16
Sumter	8	2	10
Suwannee	11	2	13
Taylor	8	2	10
Union	7	2	9
Volusia	20	6	26
Wakulla	5	2	7
Walton	9	3	12
Washington	10	1	11
Total	843	207	1050
	80.3%	19.7%	100%

If any county shall receive more scholarships under this distribution than the total of its General, Representative, and Senatorial scholarship holders on the 1953-54 scholarship roll, the additional scholarships shall not be activated until it is ascertained that the appropriation for scholarships is sufficient for this purpose.

2. Within the allocation tentatively allotted each county, vacancies shall be declared in such a manner as to insure having, whenever possible, not less than twenty-five per cent of the total number of awards open to white and to Negro students respectively who would enter an approved Florida institution as freshmen during each and every year. Where there are sufficient vacancies in any county to allow such distribution, twenty-five per cent of the total number

shall also be made available to persons falling in each of the following levels: sophomore, junior, senior.

3. A scholarship holder must register in the school, college, or department of education of an institution of higher learning located in Florida and approved by the State Board of Education for teacher education and certification.

4. The State Superintendent shall have authority to declare in which teaching fields applicants must train to be eligible for a scholarship.

5. A General Scholarship for the Preparation of Teachers may be renewed annually for a period of four years, but may not be used for work beyond the four-year degree level nor after the holder has received $1600.00 in scholarship funds.

6. Examinations to fill vacancies for General Scholarships are to be held twice a year, in the fall and in the spring. The State Superintendent of Public Instruction shall make all arrangements for these examinations and shall supervise the selection of winners, etc.

7. If for any reason, illness included, a scholarship holder must remain out of college for longer than one semester, he will forfeit his scholarship. If later he returns to college and desires scholarship aid, he must re-apply by submitting a new application for a declared vacancy. An exception may be made in the case of a scholarship holder called into the Armed Services. If the veteran desires scholarship reinstatement upon his return from service, his scholarship may be restored to him if a vacancy exists in his county.

8. If on July 1 of any year, quotas for white or Negro students with respect to General Scholarships for the Preparation of Teachers remain unfilled in any county, and if upon investigation by the State Superintendent it is found that such conditions exist because of (1) a dearth of persons interested in making application or (2) the failure of ap-

plicants to make the required minimum score, the State Superintendent may declare such vacancies to exist on a state-wide basis. The state-wide vacancies declared should then be awarded in the following manner:

a. A roster shall be compiled containing the names of eligible persons making the minimum passing score who failed to receive an award on the latest examination.

b. From such roster, in order of rank of excellence and in keeping with the college-year level for which the vacancies placed in the state-wide pool exist, awards are to be made.

c. Persons receiving such awards will be permitted to continue them from year to year, as provided by law, until the termination of the scholarship; at the end of this period, such vacancies shall be again restored to the counties to which they were originally allocated.

9. This repeals paragraph 2, pages 225-26 of State Board Regulation relating to Summer School Scholarships and Scholarships for Preparation of Teachers, pages 224-26, adopted July 6, 1949.

Adopted July 21, 1953
Sections: 239.19
239.38-239.44

State Board Regulation
relating to

SCHOLARSHIP COMMITTEE

The State Scholarship Committee shall be composed of eight members appointed by the State Superintendent of Public Instruction. The membership shall be the dean of education of each of four colleges or universities approved for teacher education for white teachers, the president or dean of education of one college or university approved for teacher education for Negro teachers, the dean or the director of one approved junior college, and two members of the State Department of Education.

Two members shall be appointed for a one year term, two for two years, two for three years, and two for four years. Thereafter each member shall be appointed for a term of four years.

Any vacancy shall be filled for the unexpired term by appointment by the State Superintendent of Public Instruction.

The committee shall elect its chairman and recorder for terms not to exceed two years.

The duties of the committee shall be to formulate policies and make recommendations that will add to the effectiveness of the scholarship program.

The committee shall meet at least twice a year and at such other times as the chairman shall consider necessary.

The committee may invite other officials concerned with the administration of the scholarship program to meet with the committee at any meeting.

Adopted November 16, 1948
Sections 239.41 thru
239.44
239.19 thru
239.24

State Board Regulation
relating to

SCHOLARSHIPS FOR PREPARATION OF TEACHERS AND HOUSE AND SENATORIAL SCHOLARSHIPS

(Adopted in accordance with the provisions of Sections 239.41 thru 239.44 and Sections 239.19 thru 239.24, Florida Statutes, as amended by Chapter 23726, Laws of Florida, Acts of 1947)

The method and manner of handling and collecting scholarship notes which may become in default shall be as follows:

The President of each institution of higher learning where the scholarship was held shall give such assistance as may be reasonably requested by the State Treasurer in the collection of scholarship notes which have become payable by reason of the scholarship holder failing to perform services in satisfaction of his scholarship note.

Adopted July 3, 1947
Section 242.05 (1)

State Board Regulation
relating to

STATE SUPERVISORY SERVICES

(Adopted in accordance with the provisions of Section 242.05(1), Florida Statutes, 1941, as amended by Chapter 23726, Laws of Florida, Acts of 1947)

1. The use of State Supervisory Funds shall be in accordance with a budget for a program planned as a part of the State Department of Education services for supervision of white and Negro schools as recommended by the State Superintendent of Public Instruction.

2. Recommendations for nomination of persons to fill State Supervisory positions shall be submitted to the State Board of Education by the State Superintendent of Public Instruction. In no case may any individual be certified, nominated, or paid any salary from State Supervisory Funds who does not meet the qualifications prescribed by the State Board of Education for holding supervisory positions of the type being filled.

3. Approval by the State Board of Education shall be necessary before any State Supervisory Funds may be paid to any person recommended and employed in accordance with the preceding section; approval of both the State Superintendent of Public Instruction and the State Board of Education shall be necessary before the dismissal of any supervisor employed through use of State Supervisory Funds may be effectuated.

4. Included as a part of the administrative plan for supervision the State Superintendent shall file with the recommendation a brief statement outlining (1) the duty to be

performed by the supervisor; (2) the total annual salary; (3) the amount to be paid for travel; and, (4) qualifications of supervisor to be employed.

5. The qualifications and duties of State Supervisors shall be in accordance with the types of qualifications and the duties as listed for County Supervisors as would be applicable to work on the State level.

Adopted February 14, 1950
Sections 234.01 thru 234.25
and related sections.

State Board Regulation
relating to

TRANSPORTATION OF PUPILS

(Adopted in accordance with Chapter 234 and related sections of Florida Statutes)

* * * *

(8) The land sections shall be computed separately for white and Negro races.
